

Location 26 West Heath Gardens London NW3 7TR

Reference: 23/2305/HSE Received: 24th May 2023
Accepted: 5th June 2023

Ward: Childs Hill Expiry 31st July 2023

Case Officer: Ashley Niman

Applicant: Jelena Gacesa

Proposal: Partial demolition of existing dwelling and construction of part single, part two storey rear extension at lower ground and ground floor levels, two storey front infill extension and alterations to front entrance, new crown roof including increase in ridge height with front, side and rear dormer windows and 2no. rooflights to front. Changes to hard and soft landscaping and levels to rear garden. Alterations to windows on side elevation facing no. 27

OFFICER'S RECOMMENDATION

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 Chair (or in their absence the Vice-Chair) 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:

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Arboricultural Survey, Impact Assessment & Method Statement (Report (BS5837:2012) Marcus Foster Arboricultural Design & Consultancy, May 2023.
Report Reference: AIA/MF/080/23)
Preliminary Bat Habitat Assessment Report (Furesfen, April 2023)
Design and Access statement (EH Architects, May 2023)

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) 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 prior to the occupation of the hereby approved development.

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 G5 and G7 of the London Plan 2021.

- 4 No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until the temporary tree protection measures shown on Marcus Foster Arboricultural Survey, Impact Assessment & Method Statement Report (BS5837:2012) report reference AIA/MF/080/23 (dated May 2023) approved have been erected around existing trees on site.

The protection specified in Marcus Foster Arboricultural Survey, Impact Assessment & Method Statement Report (BS5837:2012) report reference AIA/MF/080/23 (dated May 2023) shall remain in position until after the development works are completed and no material or soil shall be stored within fenced areas and/or construction exclusion zones at any time. The development shall be implemented in accordance with the protection plan and method statement as approved.

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 G7 of the London Plan 2021.

- 5 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 D4, D5, D8 and G7 of the London Plan 2021.

- 6 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 Policy D4 of the London Plan 2021.

- 7 Before the building hereby permitted is first occupied the proposed dormer windows in the elevations facing nos. 25 and 27 West Heath Gardens 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).

- 8 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 6.00pm 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).

- 9 Prior to first occupancy of the development details of the specification, location, including height, orientation, of the recommended ecological enhancement features including bat friendly Bitumen 1 felt, 2 x 1FF thermocrete bat boxes (or similar integrated bat roost boxes), 1 x Woodstone bird nest boxes, and 1 x insect hotel shall be submitted and approved by the local planning authority.

All approved biodiversity enhancement features including biodiverse soft landscaping details shall be installed on site prior to first occupancy in accordance with the thereafter approved enhancement plan and Preliminary Bat Habitat Assessment Report (April 2023, Furesfen).

Reason: To enhance the biodiversity value of the site beyond its current baseline pursuant to section 197 of the Town and Country Planning Act 1990 and in accordance with Policy G6 of the London Plan 2021, Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy DM16 of the Development Management Policies DPD (adopted September 2012).

- 10 Prior to the occupancy of works details of a low impact artificial lighting shall be submitted to and approved by the Local Planning Authority. Any artificial lighting scheme designed for development shall be in accordance with Bats Conservation Trust Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016), and the relevant statutory wildlife protection legislation.

- 11 Prior to occupation details of the location of at least 3 x hedgehog highways (13cm x 13cm gaps) at the base of the boundary fencing are to be submitted to and

approved by the local planning authority. The approved hedgehog links must be installed in the base of the boundary fencing to ensure continued access for commuting hedgehogs through the garden.

Reason: To ensure the continued habitat connectivity for hedgehogs, common toads, and wildlife in general through residential gardens, pursuant to section 197 of the Town and Country Planning Act 1990 and in accordance with Policies G5, G6 and G7 of the London Plan 2021, Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policies DM01 and DM16 of the Development Management Policies DPD (adopted September 2012).

- 12 The roof of the extension hereby permitted shall only be used 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 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 3 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with

another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.

- 4 Tree and shrub species selected for landscaping/replacement planting shall provide long term resilience to pest, diseases and climate change. A diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below:

An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine.

To ensure the replacement trees meet bio-security standards they should be purchased from a DEFRA accredited supplier that can be found here: <https://planthealthy.org.uk/certification>

- 5 No removal of trees, shrubs or vegetation should take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
- 6 During construction, any excavations including holes, pipes and boreholes that need to be left overnight should be covered over or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work-day to prevent animals entering/becoming trapped. Vegetation clearance should be undertaken in a sensitive manner to allow terrestrial mammals to disperse. Any trapped mammals found during the process should be carefully moved to the retained boundary habitats at the end site or adjacent habitats off site.
- 7 Soft landscaping should be designed where feasible with areas of planting consisting of 70/30 native grass to flowering plants to provide high quality habitat for pollinating insects including bees, butterflies. An example of a potential species rich meadow seeding mix includes Boston Seed Dual Purposed Wildflower Meadow Seed Mix BSXM 70/30 and for the amenity lawn Emorsate Seed Strong Lawn Grass Mixture EG22.

Any proposed tree and shrub planting should incorporate native species rich plantings and consist of native berry producing shrub species such as hawthorn,

blackthorn, spindle, field maple, hazel, and hornbeam. A best practice approach would be to apply a '10-20-30' formula to develop a diverse tree/hedge population - no more than 10% of any species, 20% of any genus or 30% of any family. These species will provide ideal foraging and sheltering habitats for a variety of species including nesting birds, invertebrates, and foraging mammals.

A purpose-built wildlife friendly pond is recommended to be created for the benefit of amphibians. Such a pond should ideally be shallow along the margins, planted with a variety of wetland emergent and submerged plant species and free of fish to encourage the presence of a diverse array of invertebrates and amphibians. For further details on the construction of wildlife ponds refer to Wildlife ponds / RHS Gardening website.

Night scented plants should also be incorporated into a detailed planting schedule where feasible. An extensive list of suitable plant species can be found on the RHS advice page <https://www.rhs.org.uk/advice/pdfs/plants-for-bats.pdf>. The provision of bat friendly planting is in Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan.

- 8 Under the Biodiversity Gain requirements (Exemptions) Regulations 2024 the development is not required to meet the Biodiversity Net Gain objective as per Section 90 of the Town and Countryside Planning Act (TCA) (inserted as S.90A and Schedule 7a Biodiversity Gain in England) as enacted by Schedule 14 of the Environment Act 2021, this application falls under the exception rules of the act. Therefore, this permission as granted is not subject to the General Biodiversity Gain Condition as obligated under Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990; as enacted by Schedule 14 of the Environment Act 2021, to submit a Biodiversity Net Gain Plan for approval by the Local Planning Authority. The reasoning for this determination is set out within the delegated report attached to the application.

OFFICER'S ASSESSMENT

1. Site Description

The application site concerns a two-storey detached dwellinghouse located towards the end of the cul-de-sac West Heath Gardens, within the ward of Childs Hill.

The surrounding area is predominantly residential, comprising detached dwellinghouses of varied form. There are quite significant level changes between the front and the rear of the host site. Neighbouring no 27, to the west, also sits at a lower ground level than the applicant site.

There are no protected trees on site, nor does the application site lie within a conservation area or contain a locally or statutory listed building.

The site is located within Flood Zone One (low risk) and has a Public Transport Accessibility Level (PTAL) of 3.

2. Site History

Reference: C01739A

Address: 26 West Heath Gardens, London, NW3 7TR

Decision: Approved subject to conditions

Decision Date: 17.09.1986

Description: Single storey rear extension, first floor front extension & single storey front extension to garage.

3. Proposal

Partial demolition of existing dwelling and construction of part single, part two storey rear extension at lower ground and ground floor levels, two storey front infill extension and alterations to front entrance, new crown roof including increase in ridge height with front, side and rear dormer windows and 2no. rooflights to front. Changes to hard and soft landscaping and levels to rear garden. Alterations to windows on side elevation facing no. 27.

4. Public Consultation

Consultation letters were sent to six neighbouring properties. Responses have been received from 9 residents, comprising letters of objection.

The objections received can be summarised as follows:

- Impact on the water table and flooding
- Excessive scale and bulk of the crown roof and impact on character
- Loss of trees and landscaping
- Concern about the basement and stability
- Further parking pressure
- Materials should match
- A Construction Method Statement should be required

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 Revised National Planning Policy Framework (NPPF) was published on 19 December 2023. 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.

Existing policies in Barnet's Local Plan (2012) and the London Plan (2021) should not be considered out-of-date simply because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF

The Mayor's London Plan 2021

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 2041. 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.

Barnet's New Local Plan (Reg 24)

Barnet's Draft Local Plan - Reg 24: The Reg 22 version of the draft new Local Plan was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan underwent an Examination in Public (Reg 24). The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites.

In order to address issues of legal compliance and deficiencies in soundness the Council has produced Main Modifications to the Local Plan. These Main Modifications were approved by Cabinet on March 12th and will now be subject to a period of formal public consultation commencing in May 2024. Whilst the Council moves forward to formal adoption of the Local Plan (subject to the outcome of the public consultation and the Inspectors Report) the Main Modifications shall be considered, in the interim, a relevant material consideration in the Council's decision making on planning applications.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

The Council's approach to extensions as set out in Policy DM01 is to minimise their 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

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

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.
- Whether harm would be caused to trees, ecology and landscape.

5.3 Assessment of proposals

Character and design

Policy DM01 states that development proposals should have due regard for the character and pattern of in the local area and respect the appearance, scale, mass height and pattern of surrounding buildings, spaces and streets.

The Residential Design Guidance SPD states that extensions should normally be subordinate to the original property, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

No objection is raised to the extension rearwards of the lower ground floor. The rearward extension of the ground floor would be marginally deeper than that of no.27, by 0.5 metres.

The rear terrace will remain at the same level. The current rear garden slopes steeply down to the pathway bordering Elm Park and is largely unusable. It is proposed to alter this by retaining the existing garden level to the point where it falls away, and then extending the garden back at this height by 8 metres to a new retaining wall.

There is no design objection to the front infill extension or new crown roof form, in order to cover the extended first floor footprint and achieve habitable roof space. Noting the other examples of crown roofs at Nos 17 and 18, the crown roof form is hipped on all four sides.

Five properties on West Heath Gardens have existing front dormer windows and the proposal for no.26 is acceptable within this context. The proposed rear dormer window is relatively wide but a number of properties within the Gardens have equivalent widths of dormers relative to the planes of the roofs. The side dormer windows again have a degree of precedence within the street and the narrowness of the gaps between the plots will ensure little visibility from the street.

Neighbour amenity

There is an existing lower ground floor under the present ground floor footprint. The proposal would extend this rearward by four metres. This would have no material impact on neighbour amenity. Above this, at ground floor level, the property would also be extended rearwards by four metres. It would project 0.5 metres further than the ground floor at no.27. Again, there would be no material impact on neighbour amenity. The existing terrace is kept to the same extent and height.

There would be no loss of privacy from the proposed dormer windows facing front and rear and those facing adjacent property serve bathrooms and would be required to be obscure glazed.

Neighbours have raised concerns over the structural stability of the site if the excavation is allowed, and water penetration as a result of the extended lower ground floor. Although the work is not really a basement as the steep fall of the site leaves the rear open to the garden, the construction design however will still treat it as a basement. Apart from waterproof concrete walls there will be a cavity drained protection system with a sump pump. This is a requirement of the building regulations. It is understood that the existing lower ground floor or basement has no issues with water ingress or moisture.

Trees and landscaping

The existing rear garden has a steep level change, and the proposal incorporates level changes which include a 2m rise in existing ground level. A site visit by the Councils Tree Officer confirmed that increasing the existing ground level would not invite harm to tree roots due to the presence of an existing boundary wall. This wall has confined root growth to the owners side - some fibrous roots may be present on the applicants garden side, however it is anticipated that this will be limited. A number of large trees have been removed some time prior to the submission of this application, thereby altering the character of the rear garden - however the removal of these trees did not require prior consent from the LPA.

The Councils Ecology Officer would also seek soft landscaping proposals with appropriate native species to provide ideal foraging and sheltering habitats for a variety of species including nesting birds, invertebrates, and hedgehogs. It was noted in the Preliminary Bat

Habitat Assessment Report (April 2023, Furesfen) that the building was found not to possess any potential roost features cable of supporting bats. No further emergence surveys of the building will be required.

5.4 Response to Public Consultation

The objections raised are discussed and covered within the evaluation.

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

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

