

**MEETING**

**PLANNING COMMITTEE B**

**DATE AND TIME**

**TUESDAY 15TH NOVEMBER, 2022**

**AT 7.00 PM**

**VENUE**

**HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ**

**TO: MEMBERS OF PLANNING COMMITTEE B (Quorum 3)**

Chair: Councillor Claire Farrier

Vice Chair: Councillor Arjun Mitra

**Councillors**

Melvin Cohen

Gill Sargeant

Nick Mearing-Smith

Tony Vourou

**Substitute Members**

Richard Barnes

Joshua Conway

Michael Mire

Nagus Narenthira

Danny Rich

Tim Roberts

**You are requested to attend the above meeting for which an agenda is attached.**

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions must be submitted by 10AM on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is Thursday 10 November 2022 at 10AM. Requests must be submitted to [planning.committees@barnet.gov.uk](mailto:planning.committees@barnet.gov.uk)

**Andrew Charlwood – Head of Governance**

**ASSURANCE GROUP**

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## Decisions of the Planning Committee B

14 September 2022

AGENDA ITEM 1

Members Present:-

Councillor Arjun Mittra ( Vice -Chair, in the Chair)

Councillor Arjun Mittra  
Councillor Melvin Cohen  
Councillor Nick Mearing-Smith

Councillor Gill Sargeant  
Councillor Tony Vourou  
Councillor Tim Roberts  
(Substitute for Councillor Claire  
Farrier)

Apologies for Absence

Councillor Claire Farrier

### MINUTE OF SILENCE

Before the start of the meeting, the Chair led those present in observing a minute of silence in memory of Her Royal Highness Queen Elizabeth II.

#### 1. MINUTES OF THE LAST MEETING

**RESOLVED** that the minutes of the meeting held on 20 July 2022 be agreed as a correct record.

#### 2. ABSENCE OF MEMBERS

Apologies were received from Councillor Farrier who was substituted by Councillor Tim Roberts.

#### 3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS (IF ANY)

Councillor Tim Roberts declared a non-pecuniary interest in relation to Item 11. 46 West Hill Way, London N20 8QQS, by virtue of knowing one of the neighbours if well known to him in a personal capacity. He declared that they would not be participating in the discussion or voting on the item.

#### 4. REPORT OF THE MONITORING OFFICE (IF ANY)

None.

#### 5. ADDENDUM (IF APPLICABLE)

None.

#### 6. WOODLAND TO THE REAR OF BURTON BANK, WILLS GROVE - 22/TPO/003 -MILL

## HILL

The report was introduced, and slides presented by the Officer.

The Committee had the opportunity to ask questions of the officer.

Following discussion, the Committee voted on the Officer recommendation, which was the confirmation of Tree Preservation Order with modification as set out in the report.

Votes were recorded as follows:

For (Approval): 6  
Against (Approval): 0  
Abstention: 0  
Not present: 0

**RESOLVED to approve the confirmation of Tree Preservation Order with modification as set out in the report and**

- 1. That the Council, under Regulation 7 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 confirms the London Borough of Barnet 118 - 140 Kenilworth Road (land adjacent), Edgware, HA8 8XF Tree Preservation Order 2021 with modification.**
- 2. That the person(s) making representations be advised of the reasons.**
- 7. 30 CLIFTON AVENUE LONDON N3 1BN - 22/1884/HSE - FINCHLEY CHURCH  
END**

The report was introduced, and slides presented by the Planning Officer.

The Committee received verbal representation from Ben Arram who spoke in objection to the application.

The Committee received verbal representations from the Mr Starr, the Applicant.

The Committee had the opportunity to ask questions of the speakers and officers.

Following discussions, the Chair moved an additional condition that was duly seconded by Councillor Cohen that was unanimously agreed as follows.

**Before the building hereby permitted is first occupied the proposed rooflights in the side elevations facing 28 and 32 Clifton Avenue 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).**

The Committee then voted on the Officer recommendation, which was to approve the application subject to conditions as set out in the report and as agreed by the committee.

Votes were recorded as follows:

For (Approval): 6  
Against (Approval): 0  
Abstention: 0  
Not present: 0

**RESOLVED** that the application is **APPROVED** subject to conditions as agreed **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 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.)**

**8. 792 FINCHLEY ROAD LONDON NW11 7TJ - 21/1623/FUL - GOLDERS GREEN**

The report and addendum were introduced, and slides presented by the Planning Officer, including comments from an objector.

The Committee had the opportunity to ask questions of the officers.

Following discussions, the Committee then voted on the Officer recommendation, which was to approve the application subject to conditions as set out in the report and addendum.

Votes were recorded as follows:

For (Approval): 6  
Against (Approval): 0  
Abstention: 0  
Not present: 0

**RESOLVED** that the application is **APPROVED** subject to conditions and addendum.

**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 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).**

**9. 792 FINCHLEY ROAD LONDON NW11 7TJ - 21/1624/LBC - GOLDERS GREEN**

The report and addendum were introduced, and slides presented by the Planning Officer, including comments from an objector.

The Committee had the opportunity to ask questions of the officers.

Following discussions, the Committee then voted on the Officer recommendation, which was to approve the application subject to conditions as set out in the report and addendum.

Votes were recorded as follows:

For (Approval): 6  
Against (Approval):0  
Abstention: 0  
Not present: 0

**RESOLVED** that the application is **APPROVED** subject to conditions and addendum.

**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 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)

**10. SUNNYSIDE HOUSE SUNNYSIDE LONDON NW2 2QL - 22/2242/FUL - CHILDS HILL**

The report was introduced, and slides presented by the Planning Officer.

The Committee received verbal representations from the agent Brie Foster, on behalf the Applicant.

The Committee had the opportunity to ask questions of the speaker and officers.

The Committee then voted on the Officer recommendation, which was to approve the application subject to conditions as set out in the report and as agreed by the committee.

Votes were recorded as follows:

For (Approval): 5  
Against (Approval):0  
Abstention: 1  
Not present: 0

**RESOLVED** that the application is **APPROVED** subject to conditions as agreed **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 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.)

**11. 46 WEST HILL WAY LONDON N20 8QS - 22/2161/HSE - TOTTERIDGE & WOODS**

Having declared an interest, Councillor Tim Roberts did not take part or vote on this item.

The report and addendum were introduced, and slides presented by the Planning Officer.

The Committee received verbal representation from Alan Tunkel and Barry Kogan and the local ward councillor, Councillor Richard Cornelius who spoke in objection to the application.



The Committee received verbal representations from the Agent Dipesh Shah on behalf of the Applicant.

The Committee had the opportunity to ask questions of the speakers and officers.

Following discussions, the Committee voted on the Officer recommendation, which was to approve the application subject to conditions as set out in the addendum and report.

Votes were recorded as follows:

For (Approval): 3  
Against (Approval): 2  
Abstention: 0  
Not present: 0

**RESOLVED that the application is APPROVED 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 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.**

## **12. 26 DERWENT AVENUE, EN4 8LX - 22/1281/RCU - BRUNSWICK PARK**

The report was introduced, and slides presented by the Planning Officer.

The Committee then had the opportunity to ask questions of the officers.

Following discussions, the Committee voted on the Officer recommendation, which was to approve the application subject to conditions as set out in the addendum and report.

Votes were recorded as follows:

For (Approval): 2  
Against (Approval): 4  
Abstention: 0  
Not present: 0

Therefore, the application was **NOT APPROVED**.

Councillor Vourou moved the motion to refuse the application, which was seconded by the Chair for the following reasons:

The outbuilding, by reason of its height and massing, would be unduly obtrusive and detrimental to the character and appearance of the immediate locality and would appear overbearing when seen from no. 24 Derwent Avenue which is at a lower level, to the detriment of the residential amenities of the occupiers of that property.

The development is therefore contrary to Policies CS1 and CS5 of the Barnet Local Plan Core Strategy (2012); Policy DM01 of the Barnet Development Management Policies DPD (2012) and the Barnet Residential Design Guidance SPD (2016).

The vote on the motion to refuse the application was recorded as follows:

For (Refusal): 4

Against (Refusal): 2

Abstention: 0

Not present: 0

**RESOLVED** that the application was **REFUSED AND** the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the reasons for refusal as given by the committee 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).

**13. ANY ITEM(S) THAT THE CHAIR DECIDES ARE URGENT**

None.

The meeting finished at 9.15 pm

**Location** 46 West Hill Way London N20 8QS

**Reference:** 22/2161/HSE

Received: 22nd April 2022

Accepted: 22nd April 2022

Ward:

Totteridge & Woodside

Expiry 17th June 2022

AGENDA ITEM 6

**Case Officer:** Greta Norton

Applicant: Mr Shiv Thakrar

Proposal: Proposed demolition of side link garage and replacement with a two storey side and rear extension, new roof to provide loft conversion with rear dormer and side roof lights, side chimney breasts removed and provision for solar panels on east and west facing roof slopes. Existing pebble dash render to be removed and replaced with brick slips

### **BACKGROUND**

This planning application was first reported to Planning Committee B on 14<sup>th</sup> September, 2022. Subsequent to the Committee meeting of 14 September 2022, the Council received a complaint from a local resident alleging that the Committee had been misinformed inadvertently by officers in respect of the nature of the proposed development at the rear ground level. Officers do not accept this was the case but, in the absence of a recording of that meeting (due to a technical fault), officers have decided to remit the application for the Committee's consideration.

### **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:

Proposed Plans and Elevations 22008 HHP 02.01 Rev C  
Existing Plans, Elevations and Location Plan 22008 HHP 01.01  
Email dated 11.07.22 from DS Squared Architects regarding proposed brick colour.  
Arboricultural Method Statement ref P2529-AMS01 V1 Issued 17/06/2022  
Arboricultural Impact Assessment ref P2529-A1A01 V1 created 21/06/2022

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 The materials to be used in the external surfaces of the building(s) shall match those specified in the application documents.

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 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).

- 5 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevations, of the first-floor extensions hereby approved, facing either No 48 or 44 West Hill Way.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 6 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing No 48 or 44 West Hill Way 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).

- 7 The development hereby permitted shall be carried out in accordance with the provisions of the Arboricultural Method Statement and Tree Protection Plan ref: P2529-AMS01-V1 dated 17/06/2022.

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)

- 8 Details of the solar panels shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and shall thereafter be installed and maintained in accordance with the approved details.

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (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. 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 removal of the protected tree T13 must be applied for under a normal tree work application as it is not directly related to the planning application

### **OFFICER'S ASSESSMENT**

#### **1. Site Description**

The application site comprises a two-storey detached property located on the northern side of West Hill Way, N20 8QS, within the Totteridge & Woodside ward.

The property can be defined by its red brick and pebble-dash façade with a tiled hipped roof form. There is a small front garden, and parking space to the forecourt of the property via a front hardstanding, which leads to a garage that is attached to the eastern side elevation of the dwelling. The site boasts a large private rear garden, which backs onto the gardens of Rowben Close.

There is tree on site, situated within the rear garden, which benefits from a Tree Preservation Order (TPO)

The application site does not contain a locally or statutory listed building, nor is it located within a conservation area.

The site is not located within a flood risk area.

The area can be characterised by large two-storey and three-storey detached properties with amenity space to the rear and off-street parking facilities to the front. Many of the properties along West Hill Way have been extended in the past.

## **2. Site History**

Reference: N06042  
Address: 46 Westhill Way London N20  
Decision: Approved Subject to Conditions  
Decision Date: 23 February 1979  
Description: Two storey rear extension

Reference: TREN06042A  
Address: 46 West Hill Way London N20 8QS  
Decision: Trees Approved  
Decision Date: 10 March 1993  
Description: Application to reduce height and density by 30% of the Birch standing in Area T17 of the Tree Preservation Order.

Reference: TREN06042A\_B  
Address: 46 West Hill Way London N20 8QS  
Decision: Approved  
Decision Date:  
Description: Application to reduce height and density by 30% of the Birch standing in Area T17 of the Tree Preservation Order.

Reference: N06042B/00/TRE\_B  
Address: 46 West Hill Way, London, N20 8QS  
Decision: Approved  
Decision Date: 20 June 2000  
Description: Birch - Reduce back to old points standing in T17 of TPO.

## **3. Proposal**

This application seeks planning permission for: Proposed demolition of side link garage and replacement with a two-storey side and rear extension, new roof to provide loft conversion with rear dormer and side roof lights, side chimney breasts removed and provision for solar panels on east and west facing roof slopes. Existing pebble dash render to be removed and replaced with brick slips.

It should be noted that the scheme has been amended since its original submission to address concerns raised by officers.

At ground floor level, the proposed single storey side element will be flush with the front building line, in replacement of the existing side link garage. This element measures a width of 2.31 metres for a depth of 5.90 metres, maintaining a gap of 10cm between the flank wall and shared boundary with neighbouring no. 44, with a maximum height and eaves height of 3.00 metres. The side extension then proceeds to extend to a maximum width of 2.45 metres, directly along the shared boundary with no. 44, for a further depth of 5.80 metres, with an increase in maximum height to 3.20 metres due to a partial glass roof. The total depth of the side extension measures 11.70 metres.

The ground floor side extension merges into the proposed single storey rear element, in the form of a wraparound extension. The proposed single storey rear element measures a depth

of 4.50 metres beyond the original rear building line, protruding beyond the proposed side element by 1.30 metres. The deepest rear element is set off the shared boundary with no. 48 by 0.76 metres and set off the shared boundary with no. 44 by 2.65 metres. The single storey rear element has an eaves height of 2.95 metres, and a maximum height of 3.10 metres due to the proposed rooflights.

At first floor level, the proposed side extension is 1.44 metres in width, and is set off the shared boundary with no. 44 by 1.00 metre, maintaining a gap of 3.43 metres between the first-floor flank wall of no. 44. This element is set back from the front building line by 1.00 metre and extends a maximum depth of 10.80 metres. As per the ground floor element of the proposed extensions, the first-floor side extension merges into the first-floor rear, in the form of a wrap around. The first-floor rear element has a depth of 3.10 metres beyond the original rear building line, with a total width of 8.59 metres, including the wrap around side element. The roof of the first-floor side/rear element will be set down from the main ridge line of the property by 0.46m metres, in the form of a hipped roof. This element would have a maximum height of 8.30 metres, and an eaves height of 5.30 metres.

The proposed roof extension involves the first-floor side/rear element, and a rear dormer window measuring 2.27 metres in width, 1.95 metres in height, and 2.10 metres in depth. 2no rooflights are proposed on the eastern roof slope of the dwelling, and 3no rooflights are proposed on the western roof slope. In addition to this, solar panels are proposed on both eastern and western roof slopes.

The applicant has indicated that the existing pebble dash render will be replaced with brick slips.

#### **4. Public Consultation**

Consultation letters were sent to 9 neighbouring properties. 7 responses have been received, consisting of 1no. support comment, and 6no. objections.

The support comment can be summarised as follows:

- o The property is in dire need of modernisation. The proposal contributes to an improvement in appearance, as well as eco-friendly installations.
- o On the road, very few houses look the same.

The objections can be summarised as follows:

- o The property already has a two-storey rear extension, and the proposed two-storey east-side extension and its new roof will cause a loss of light and overshadowing by a significant amount to ground floor and first floor rooms.
- o Proposed loft conversion includes full length doors opening onto a glass fronted balcony, causing a loss of privacy.
- o Proposed east-side extension will encroach on the roots of the large silver birch tree in the rear garden, causing damage.
- o The existing ground floor plan of the property shows the east-side boundary line passing through the adjacent garage, which is an error - garages of 44 and 46 are linked and separated by a party wall.
- o The proposed bulk of the works will spoil the image of the street.
- o The extension is too large and will cause overdevelopment.
- o Potential impact of and damage to cherry blossom tree, in no. 48's garden.

- o Application is missing a design and access statement to explain how the design was reached, and how potential impacts were considered and mitigated.
- o The proposed first floor rear extension will project 3.50 metres, which exceeds the guidance, and is less than 1m from the boundary. It will result in an overbearing two storey wall that would adversely affect amenity.
- o The proposal would extend 5.00 metres to the rear at ground floor, which is beyond the established building line of the street.
- o The proposal would affect outlook.
- o The two-storey rear extension introduces two new windows, which causes privacy and overlooking concerns.
- o Application does not include a tree survey or arboricultural impact assessment. The proposal is likely to extend within the root protection area of the cherry blossom tree.

## **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 in 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### 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 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.

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan.

#### 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 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.

### Barnet's Local Plan (2021)

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. 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.

### 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, semidetached 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 the 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 a protected tree

## **5.3 Assessment of proposals**

### Design and Visual Amenity

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01 which states that all proposals should preserve and enhance the local character of the area, as well as policies CS05 (both of the Barnet Local Plans) and D3 (of the London Plan).

Paragraph 14.13 of the Council's Residential Design Guidance SPD advocates that extensions should fit into the street, being consistent with the architectural character, neighbouring properties, and any special nature of the area.

Single storey side/rear element:

Under the Residential Design Guidance SPD, extensions of a depth of up to 4.00 metres are usually considered acceptable for detached properties. The proposed single storey rear element would measure a depth of 4.50 metres from the original rear wall of the property. Whilst the proposed depth of this element exceeds the advice from Barnet's RDG (2016), it is noted that the rear building line of neighbouring no. 48 is set further back than no. 46, and therefore the introduction of a 4.50 metre rear extension will not appear as overly bulky towards the rear in comparison to its neighbouring property. Regarding the side/rear element of the ground floor extension, this section would protrude beyond the original building line by 3.00 metres, and thus the deepest element of 4.50 metres would not occupy the entire width of the rear extension, therefore aiding the subordination of the development.

Furthermore, the property benefits from a large rear garden, and so the principle of a 4.50 metre single storey rear extension would not unacceptably reduce the amount or quality of outdoor amenity space.

The ground floor side element measures a minimum width of 2.31 metres and a maximum width of 2.45 metres, which is less than half the width of the original dwelling, and therefore is consistent with paragraph 14.15 of Barnet's RDG (2016). This paragraph also advises that side extensions should be set back from the front building line. It should be noted that the proposed design will have a front wall that is flush with the façade of the dwelling, however,

due to the existing side garage's positioning in line with the front building line, this is considered to be acceptable.

The proposed demolition of the existing garage and subsequent introduction of a side extension would be acceptable and would not have an adverse impact on the Highway as adequate off-street parking exists at the site.

In light of the above, the single storey rear/side element of the proposal is considered to be a subordinate addition to the original dwelling and will not harm the character of the surrounding street scene or rear building lines.

First floor side/rear element:

Paragraph 14.23 of Barnet's RDG (2016) states that two storey rear extensions which are closer than 2.00 metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable, as they can be too bulky and dominant. Paragraph 14.24 states that two storey rear extensions need to ensure they do not lead to harm to the character or appearance of the property and area.

The proposed first floor rear element would measure a maximum depth of 3.10 metres beyond the original first floor rear wall. Whilst it is acknowledged that this exceeds the guidance by 0.10 metres, the existing two storey rear extension at the property has a first-floor depth of 3.10 metres, and therefore the proposal will maintain the same depth as existing. In addition to this, it is noted that neighbouring no. 44 benefits from a first-floor rear extension of the same depth.

Whilst the introduction of full width first floor rear extensions can potentially harm the character of a dwelling or the surrounding area, the principle of a full width first floor rear extension at no. 46 would be acceptable in the context of this site. Neighbouring property no. 44 benefits from a full width first floor rear extension of a similar nature to the proposed, meaning the proposed first floor addition to no. 46 will reflect the character of an immediate neighbouring property and will not be an overly dominant addition to the original dwelling.

In regard to the side/rear element of the first-floor extensions, Paragraph 14.14 of Barnet's RDG (2016) states that side extensions to existing buildings can be unacceptably prominent features in the street scene, and where gaps between houses are a common feature of a street, then proposals which close such gaps or create a terracing effect by bringing buildings too close together are likely to be rejected. Secondly, paragraph 14.17 of the RDG advises that there should normally be a minimum gap of 2 metres between the flank walls of properties at first floor level (i.e., a minimum gap of 1 metre between the boundary and the extension at first floor level for most two-storey extensions).

The first-floor side element maintains a 1.00 metre gap between its flank wall and the shared boundary and maintains a 3.43 metre gap between the flank wall of no. 44 which would be sufficient to avoid a detrimental terracing effect and maintain the characteristic gaps between properties.

The proposed first floor side element would have a width of 1.44 metres, and would not dominate the original front elevation of the dwelling. Additionally, two-storey side extensions are present within the vicinity of the property. Examples can be found at no.'s 27 and 21 West Hill way, which are situated diagonally opposite the host property.

Paragraph 14.16 of the council's Residential Design Guidance (2016) states that extensions of the type like that proposed should normally be set down by 0.5 metres from the main ridge

line as to aid subordination. The proposed first floor side/rear extension is to be set down from the main ridge line by 0.46 metres. Whilst this would be some 0.04m less than suggested, it would nevertheless, when viewed in conjunction with the proposed set back from the front wall of the main house, appear as a subordinate feature to the main dwelling.

Barnet's RDG (2016), ideally seeks a set-back from the front building line of 1.00 metre for first floor side extensions. The first-floor side extension would be set back by 1.00 metre from the front building line consistent with guidance in this respect.

The two-storey side and rear extensions, viewed cumulatively, would be subservient features of the property and the proposed development will be harmonious to the surrounding character of the area, due to multiple properties already benefiting from two storey rear extensions and/or two storey side extensions.

**Rear dormer and 5no side rooflights:**

The aforementioned first floor side/rear extensions will provide space for a loft conversion; alongside a proposed rear dormer. The proposed rear dormer would be a subservient addition to the rear roof slope, it would not exceed half the width of the roof slope and its height would be proportionate, leaving sufficient existing roof slope above and below it so as not to dominate the roofscape, which would accord with Barnet's RDG (2016) paragraph 14.33. It is not considered that the proposed dormer would detrimentally impact the appearance and character of the property or the surrounding area. The rooflights are also be considered to be an acceptable addition to the surrounding area and host property.

The proposal has been amended during the lifetime of the application to address concerns raised regarding the scale and design of the rear dormer. The height of the dormer was reduced from 2.26 metres to 1.90 metres, in order to leave adequate roof slope above the dormer. Officers are now satisfied that the amended proposal is acceptable in design terms.

**Solar Panels:**

The proposed solar panels to roof would be grouped appropriately and set within their respective roof slopes. As such are considered to have an acceptable impact on the character of the property. The contribution that they would make to the production of a sustainable energy source is noted in the balanced assessment here.

**Materials:**

The proposed replacement of pebble dash render with brick slips is considered acceptable on the grounds of design and appearance. It is noted that materials used along the street varies, and the colour of the proposed brick slips would match many properties along West Hill Way.

Regarding the design of the proposal, it is considered that the resultant development would be a proportionate addition. Several surrounding properties benefit from similar, now implemented, proposals, therefore this proposal for the host dwelling would not be out of character of the local area and will have an acceptable impact on the street scene and wider locality in accordance with Policy DM01 of the Development Management Policies DPD.

**Impact on the amenities of neighbouring occupiers:**

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

#### No. 48

No 48 is a detached property situated directly west of the application site. The ground levels are such that 48 is some 0.3m higher than the application site. The proposed two-storey side extension will not have an unacceptable impact upon neighbouring no. 48, due to its locality to the eastern elevation of the property.

This property does not benefit from any extensions to the rear, but does however benefit from a protruding ground floor rear bay window. The proposed single storey rear element of the extension will be set off the shared boundary by 0.75 metres, with a gap of 1.46 metres between the flank walls of either property. The ground floor extension would protrude beyond the bay window of no. 48 by 1.31 metres. Thus, the modest projection and boundary set-off of the extension combined with the difference in levels would ensure that the development will not detrimentally impact the outlook, light, or privacy of occupiers at this property.

The proposed first floor rear element will create a two-storey flank wall close to the western boundary. As the rear building line of no. 48 naturally protrudes beyond no. 46's rear building line, the proposed first floor rear extension will extend 2.15 metres beyond the first-floor rear wall of no. 48. Barnet's RDG states that first floor rear extensions closer than 2.00 metres to the boundary should not project more than 3.00 metres in depth to protect neighbouring amenity, and therefore the 2.15 metre projection would not have an adverse impact upon the first-floor rear habitable windows of no. 48 in relation to overbearing impact and loss of light.

#### No. 44:

Neighbouring property no. 44, located to the east of the application site, which has a ground level some 0.5m lower than no 46, benefits from a two-storey rear extension. The proposed two storey rear/side element will extend directly along the shared boundary with no. 44, beyond the original rear building line of no. 46 by 3.10 metres. This will be flush with the established two-storey rear building of no. 44, and thus would not impact the rear habitable windows of the neighbouring property in regard to their light, outlook, or privacy. The ground floor element of the proposed extension extends to a maximum depth of 4.50 metres; however, this section of the ground floor rear extension is set off the shared boundary with no. 44 by 2.67 metres which is sufficient to ensure any loss of light and outlook is mitigated. Therefore, the rear element of the proposal will not impact this particular property to a degree that would warrant refusing the application.

The proposed two-storey side extension would not give rise to detrimental amenity impact to the occupants of no. 44. No. 44 benefits from a single storey side garage, which is currently linked to the single storey garage at no. 46. A transparent double door is situated to the rear of the garage at no. 44, followed by a small side window and a further double window to the western flank wall of their property. In the lifetime of the application, clarification was sought to understand which rooms these windows serve, in the interests of assessing amenity impact.

It has been confirmed that the double doors of the garage do not serve habitable space, the small side elevation window serves a toilet, and the double window to the side elevation serves a kitchen/dining room. Thus, the proposed two storey side extension will not negatively impact habitable living space with regard to the garage windows or the small side window, due to the spaces that they serve. In terms of the double side elevation window which serves the kitchen/dining area, it is noted that this is considered as a habitable room.

However, this room is also served by a larger rear window, and therefore the side elevation window can be assessed as a secondary source of light. Whilst it is acknowledged that no. 46 is naturally elevated higher than no. 44, in light of the above reasoning, it is considered that

the proposed two storey side extension will not unduly affect the habitable living spaces of neighbouring no. 44.

The proposed rear dormer shall not affect the occupiers of no. 48 or 44 by way of loss of privacy, light, or outlook due to its modest size and central location within the roof slope.

Overall, the proposed scheme, by virtue of its design and siting, would not have a significant adverse impact upon the character and appearance of the street scene, nor would it have a significant adverse impact on the residential amenity of neighbouring occupiers.

#### **5.4 Trees**

It is noted that a protected tree is situated within the rear garden, as well as multiple other non-protected trees. Thus, an arboricultural method statement and arboricultural impact assessment has been provided as part of the planning application.

The documents are satisfactory, and set-out tree protection methods in detail, indicating that any potential damage to root protection areas and the trees themselves is avoided. These will be secured by way of condition.

#### **5.5 Response to Public Consultation**

(The property already has a two-storey rear extension, and the proposed two-storey east-side extension and its new roof will cause a loss of light and overshadowing by a significant amount to ground floor and first floor rooms)

o The proposed two-storey side extension, alongside the boundary with no. 44, will inevitably cause loss of light to the ground floor side windows of no. 44 to some extent, however, the room which these windows serve are either not habitable, or benefit from another source of light. The ground floor double side elevation window at this property serves a kitchen/dining room which is considered as habitable space; however, this room also gains light through the ground floor western rear window. Thus, the side elevation window can be considered as a secondary source of light. In regard to the smaller ground floor side elevation window, and the double rear garage doors, these windows do not serve habitable rooms and thus the amenity is not threatened in this case.

o With reference to the first-floor rooms of no. 44, there are two small first floor windows and one larger set of windows, all of which are obscure glazed. The proposed first floor side extension is of a modest width and does not extend right up to the shared boundary. It is considered that this element will not drastically impact the light that is captured by these side elevation windows in the afternoon.

(Proposed loft conversion includes full length doors opening onto a glass fronted balcony, causing a loss of privacy)

o Amendments were sought during the lifetime of the application to remove the Juliette balcony from the proposed rear dormer. Thus, a loss of privacy is not of a concern as per the current plans.

(Proposed east-side extension will encroach on the roots of the large silver birch tree in the rear garden, causing damage)

o The Tree Protection Plan document illustrates that the root protection areas of all trees within the rear garden will hardly be encroached upon as a result of the works. The plans

indicate multiple methods of tree protection to ensure any damage is avoided, including a no-dig 3D cellular system, ground protection and tree protection barriers.

(The existing ground floor plan of the property shows the east-side boundary line passing through the adjacent garage, which is an error - garages of 44 and 46 are linked and separated by a party wall)

o The boundary lines shown on the existing ground floor plans are correct. It distinguishes which section of the linked garages belongs to no. 46.

(The proposed bulk of the works will spoil the image of the street)

o The style of properties along West Hill Way varies, whereby the architectural design is not consistent. Furthermore, when viewed from the street scene, the proposed two storey side extension is not considered to be bulky, and so the image of the street will not be spoilt. Many properties benefit from two storey side extensions, namely no.'s 21 and 27.

(The extension is too large, and will cause overdevelopment)

- For the reasons set out above the proposal is not considered to be overly large or result in overdevelopment of this particular site.

(Application is missing a design and access statement to explain how the design was reached, and how potential impacts were considered and mitigated)

- Design and access statements are not considered to be mandatory as part of householder planning applications. The design and appearance of the proposed extensions have been considered above together with the impact on the amenities of neighbouring residents. The proposal is considered to be acceptable.
- 

(The proposed first floor rear extension will project 3.50 metres, which exceeds the guidance, and is less than 1m from the boundary. It will result in an overbearing two storey wall that would adversely affect amenity)

o The first-floor rear extension measures 3.10 metres in depth, whilst this exceeds the guidance recommendation by 0.10 metres, it is not considered that, given the relationship with neighbouring properties, this proposed extension would result in levels of harm to the amenities of neighbouring residents such as to warrant refusal for that reason. Nor is it considered to be unacceptable in terms of design, character and appearance.

(The proposal would extend 5.00 metres to the rear at ground floor, which is beyond the established building line of the street.)

o The proposal extends 4.50 metres at ground floor. Whilst this exceeds the guidance by 0.50 metres, the rear building line of the street is not consistent due to some properties benefiting from extensions, and some properties remaining original. Thus, the character would not be affected to such a degree as to warrant refusal. The relationship of the proposed extension with neighbouring properties is such that it would not affect their amenities to such an extent as to warrant refusal.

(The proposal would affect outlook.)

o The proposed two storey side extension will not affect outlook to a detrimental extent. With regards to the proposed rear extensions, the single storey rear element would protrude

beyond the rear bay window of no. 48 by 1.31 metre, and the first-floor element would protrude around 2.1 metres. These depths are not considered to affect the outlook of occupants at no. 48 to an unacceptable degree. The majority of the rear element of the proposal will not protrude beyond the rear wall of no. 44, thus not affecting outlook. Part of the single storey rear element which protrudes beyond the rear wall of no. 44, is considered to be a modest depth that would not affect outlook of the neighbouring property.

(The two-storey rear extension introduces two new windows, which causes privacy and overlooking concerns)

o The introduction of two new first floor windows to the rear of host property would not significantly change the level of outlook that already exists at the rear of the property.

(Application does not include a tree survey or arboricultural impact assessment. The proposal is likely to extend within the root protection area of the cherry blossom tree)

o The agent has since provided an arboricultural method statement and arboricultural impact assessment. The documents clearly indicated that the proposed works would hardly encroach into the root protection areas of any trees within the rear garden. Furthermore, mitigation methods have been proposed on the plans to minimise any potential damage and a condition is recommended requiring that works are carried out in accordance with the provisions of these documents.

## **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.



46 WEST HILL WAY,  
LONDON, N20 8QS



LOCATION MAP  
SCALE 1:1250

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**Location** **41 Wentworth Avenue London N3 1YN**

**Reference:** **22/0307/FUL**

Received: 21st January 2022

Accepted: 8th February 2022

Ward: West Finchley

Expiry 5th April 2022

AGENDA ITEM 7

**Case Officer:** **John Sperling**

Applicant: Mr Rambhai Patel

Proposal: Proposed basement and ground floor rear extension. Conversion of existing dwellinghouse into 2no. self-contained flats with associated amenity space, refuse storage and off-street parking (AMENDED DESCRIPTION AND DRAWINGS).

### **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:

PA2-1741-00  
PA2-1741-01  
PA2-1741-02  
PA2-1741-03  
PA2-1741-04  
PA2-1741-05  
PA2-1741-09 A  
PA2-1741-10 A  
PA2-1741-11 A  
PA2-1741-12

PA2-1741-13 A  
PA2-1741-14 C  
PA2-1741-15

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 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

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

Reason

In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 5 Prior to occupation of the development the proposed parking spaces within the parking area as shown in drawing no.PA2-1741-14-Rev.C submitted with the planning application and the access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all times. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason

To ensure that the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced 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.

- 6 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.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of 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, noise 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 SI 1, SI 7, D14 and T7 of the London Plan 2021.

- 7 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register

at <https://nrmm.london/>

Reasons: In the interest of good air quality in accordance with London Plan policies 5.3 and 7.14.

- 8 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise has been submitted to and approved in writing by the Local Planning Authority.
- b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or the first occupation of the development and retained as such thereafter.

Reason: To ensure the amenities of occupiers are not prejudiced by traffic/mixed use noise in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016), and Policies D13 and D14 of the London Plan 2021.

9 Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

## Part 2

d) Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016).

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

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

11 a) Before the development hereby permitted is first occupied, details of the sub-division of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented 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) and the Sustainable Design and Construction SPD (adopted April 2016).

12 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 SI 5 of the London Plan 2021

- 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 in carbon dioxide emissions of a minimum of 10% 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 SI 2 of the London Plan 2021.

- 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 east and west flank elevations of the extensions hereby approved.

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 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).

- 16 The property shall be used as self-contained units as shown in the hereby approved drawings under Class C3(a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

- 17 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 treatment of boundaries should be permeable to species such as hedgehogs (*Erinaceus europaeus*) and common toad (*Bufo bufo*), with the introduction of a minimum of 1no 13 x 13cm ground level access 'hedgehog hole' between the application site and each neighbouring piece of land to enable connections and prevent the fragmentation of habitat

c) 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, DM16, 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).

- 18 The use of the existing outbuilding shall at all times be ancillary to and occupied in conjunction with the upper flat and shall not at any time be occupied as a separate unit or dwelling.

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties 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. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

We believe that your development is liable for CIL. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

- 3 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning

Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 4 The submitted Construction Method Statement shall include as a minimum details of:
  - o Site hoarding
  - o Wheel washing
  - o Dust suppression methods and kit to be used
  - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
  - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
  - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
  - o Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.
  - o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
  
- 5 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This

would include:

- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 6 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works.

The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail [highways.development@barnet.gov.uk](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 7 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially

registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site relates to a semi-detached property on the north-western side of Wentworth Avenue, within the West Finchley Ward.

The area is characterised by a mixture of single family dwellinghouses and converted flats.

The site is not a locally or statutorily listed building nor is situated within a Conservation Area.

### **2. Site History**

Reference: 17/6900/192

Address: 41 Wentworth Avenue, London, N3 1YN

Decision: Lawful

Decision Date: 29 November 2017

Description: Roof extension involving hip to gable, rear dormer window with juliette balcony, 1no. rooflights to front and new gable window to side elevation to facilitate a loft conversion

Reference: 17/7209/HSE

Address: 41 Wentworth Avenue, London, N3 1YN

Decision: Approved subject to conditions

Decision Date: 15 January 2018

Description: Basement and ground floor rear extension. Alterations to access steps to garden level

Reference: 18/7192/192  
Address: 41 Wentworth Avenue, London, N3 1YN  
Decision: Lawful  
Decision Date: 16 January 2019  
Description: Single storey outbuilding in rear garden

Reference: 18/5765/FUL  
Address: 10 Wentworth Avenue, London, N3  
Decision: Refused. Allowed on appeal  
Appeal Decision Date: 19 July 2019  
Description: Conversion of existing property into 3no. self-contained flats including a part single, part two storey side and rear extension plus creation of basement with lightwells at rear. Roof extension including rear dormer window, 2no. rooflights to side roofslope and 1no. rooflight to front rooflope. Associated amenity space, refuse and cycle storage and provision of 4no. off-street parking spaces

### **3. Proposal**

This application seeks permission for 'Proposed basement and ground floor rear extension. Conversion of existing dwellinghouse into 2no. self-contained flats with associated amenity space, refuse storage and off-street parking (AMENDED DESCRIPTION AND DRAWINGS).'

Flat 1 would provide 90sqm and would provide 34sqm of outdoor amenity space  
Flat 2 would provide 104.7sqm and would provide 28sqm of outdoor amenity space.

The new front hardstanding would include permeable materials

Cycle storage would be located in the rear amenity space in a subdivided area that is separate from the outdoor amenity space.

The e

### **4. Public Consultation**

Consultation letters were sent to 36 neighbouring properties.

7no objections were received and summarised as follows:

- Works began without planning permission
- Not informed of basement renovation and no planning permission obtained
- Residential road of quiet family houses harmed
- Increased congestion and parking problems leading to poor highways safety
- No capacity for cars
- Overdevelopment of the site and property
- Unsafe environment as building materials spill onto the pavement
- Antisocial behaviour of builders
- Overflowing skip that has blocked the highway.
- Long-terms works taking place
- Insubordinate extensions harmful to size of property
- Surrounding properties converted into flats and HMO existing without consent
- The shared community rear access road is blocked (against the terms of the title deeds and with no consultation with residents) and often spills onto the public footpath.
- Waste being constantly burnt on site.
- Contrary to planning policy and local need

- Loss of amenity to neighbours.
- Large ugly outbuilding at the rear of the property poorly completed
- The size of the property is also unsuitable for this kind of subdivision.
- Inaccurate information

1no representation was made and can be summarised as follows:

- Noise disturbance and pollution
- Overdevelopment of the plot
- Unsafe building environment and spill over to pavement
- Quiet neighbourhood would be harmed

Following a review of objections and plans, the case officer requested amendments in the following areas:

- Remove rear staircase
- Remove first floor rear extension

Further amendments sought to clarify the proposal would provide a good standard of accommodation to the future residents by way of internal space standards and floor level to ceiling height standards.

A 14 day reconsultation period was issued.

1no of objection was received:

- - side windows are not opaque and overlook neighbouring properties
- There is a side door to the property
- Side and rear elevations not accurate
- Poor quality design
- Single family dwellinghouses are prevailing
- Overdevelopment of the site
- Limited front amenity space for vehicle and refuse parking
- Vehicle manoeuvring / reversing is likely to be problematic and dangerous
- The plans make no reference to an outbuilding at the rear of the property which is within the original plot of the property. This has now been fenced off for the new garden areas created and it is not clear on its purpose in relation to the proposed 2 flats. There is no direct access to the outbuilding which now has its own access solely from the communal access road so we are concerned as to the intentions for this outbuilding.

1no letter of support was received:

- Hope development can be completed swiftly
- Understand the development is to be a family home split in to 2 flats yet occupied by members of the same family & not as we feared an overdevelopment to be used for rentals

A site notice was posted on 17.02.2022

#### **4.1 Internal Consultation**

The Environmental Health raised no objections to the scheme subject to information secured by conditions.

The Highways department requested revised plans showing the proposed vehicular

access to aid the assessment. This information was obtained and reviewed by the Highways department and found to be acceptable. Highways also advised the imposition of conditions.

The LPA's refuse services find the approach acceptable.

## **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 20 July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 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.

Relevant policies:

D4 - Good Design

D5 - Inclusive Design

D6 - Housing Quality and Standards

D7 - Accessible Housing

H2 - Small Sites

H12 - Housing Size mix

SI 2 Minimising Greenhouse Gas Emissions

T6.1 - Residential Car Parking

#### 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, DM03, DM08, DM17.

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.

### Barnet's Local Plan (2021)

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. 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.

### Supplementary Planning Documents

#### Residential Design Guidance SPD (2016)

- Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. 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 developments 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 it states that developments 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 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

### Supplementary Planning Documents

#### Residential Design Guidance SPD (adopted 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 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**

Officers consider that the main planning considerations are as follows:

- Principle of Development
- Impact on the Character of the Area
- Whether the proposal provides satisfactory living accommodation for future occupiers
- 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
- Impact on highways;
- Refuse Storage;
- Cycle Storage.

## **5.3 Assessment of proposals**

### Principle of Development

- Conversion from single family dwelling to flatted development:

The Borough has an attractive and high-quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

Within Chapter 2 of the Development Management Policies states

"The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Policy DM01 part h states "Conversion of dwellings into flats in roads characterised by houses will not normally be appropriate."

Policy DM01 of Barnet's Local Plan Development Management Policies DPD states that proposals should be based on an understanding of local characteristics. Criterion (h) of the same policy states that the conversion of dwellings into flats in roads "characterised by houses" will not normally be appropriate.

It is noted that the appeal decision under planning reference number 18/5765/FUL in relation to 10 Wentworth Avenue (opposite no. 41) considered the following in respect of the principle of flats in this location:

"Paragraph 6: Policy DM01(h) and (i) of the Barnet's Local Plan Development Management Policies (2012) (BLPDMP) states that the loss of houses to flat development in roads characterised by housing would not normally be permitted, although it is clear that what is to be considered are cumulative effects of increased activity and changes in external appearance.

Paragraph 8: It is implicit in the tension between Policy DM01 of the BLPDMP and the strategic Policy CS1 of the BLPCS that a balance has to be struck between housing delivery and the retention of family housing on a case by case basis. Although single-family occupancy is predominant in Wentworth Avenue, it seems to me that a small number of conversions and subdivided dwellings have been successfully assimilated into the area and have not changed its essentially suburban character.

Paragraph 10: The proposal would have a shared single entrance door and a bicycle store

located in the garden in a concealed accessible location. Additional bin storage, subdivision of the garden and introduction of a formal parking area would signify a change in the character of activity. However, the garden is screened from the street and bearing in mind the level of domestic activity potentially arising in a large family dwelling such as that already approved at the appeal site, the increase and change in activity would not be significant."

The Inspector concludes in paragraph 11 that the proposed development would not adversely or cumulatively harm the character of the area nor, thereby, conflict with Policy DM01 nor Policies CSNPPF, CS1 and CS5 of the Core Strategy.

It is noted that this permission recently elapsed and was recently renewed under planning reference number 22/2858/FUL.

In light of the above, and that there are no new relevant policies to warrant an alternate view, officers consider the proposal is acceptable in principle.

### The Impact on the appearance and character of the area

#### - Extensions

The ground and basement level extensions are identical to the dimensions approved under planning reference number 17/7209/HSE. The delegated report of the aforementioned application states the following:

'The depth of a single storey rear extension, normally considered acceptable for semi-detached properties is 3.5 metres as stated in the Residential Design Guidance, this application seeks permission for a rear extension with a depth of 3 metres from the original rear wall and a maximum height of 3 metres to a flat roof. This element of the proposal will not be visible from the streetscene.

It is considered this element of the proposal will not harm will be caused to the character and appearance of the existing building, the street scene and the wider locality.

It is considered the proposed rear extension would not cause harm to the living conditions of neighbouring residents.

The Residential Design Guidance SPD states "The council seeks to ensure that basement development does not harm the established architectural character of buildings and surrounding areas, including gardens and nearby trees, and that no adverse impact is caused to the amenity of neighbouring properties."

It goes on to say "The council will normally allow single floor basement extensions which do not project further than 3 metres from the rear wall of a house or more than half its width beyond each side elevation.

The property already benefits from a basement which covers the original footprint of the dwellinghouse. The proposal seeks to extend this element a further 4 metres. It is considered even though contrary to the Residential Design Guidance the proposed basement extension on this occasion would be an acceptable addition to the property. This is because the property benefits from a large decking structure to the rear of the house and natural reduction in levels. In this way the extension will not involve extensive

excavation. As a result the proposed basement excavation would be situated along the boundary with neighbouring property at no. 43 Wentworth Avenue and would not appear visually discordant with the character and appearance of the rear of the property. The basement has not proposed lightwells to the front.

It can be concluded that by reason of its size, siting and design, the proposal would be an acceptable addition to the dwelling. It is considered this proposal will not detract from the character or appearance of street scene and the wider locality. This proposal is considered acceptable and would result in a proportionate addition to the existing house.'

In the current application it is noted that the originally proposed first floor rear extension was removed due to adding significant bulk that would have cumulatively led to the overdevelopment of the property. Alongside this, no other examples are seen in the wider area so this aspect of the proposal would not have fallen within the prevailing pattern of development.

In light of the above and having conducted a site visit officers are content to view the proposed extensions as acceptable and not considered to result in a materially harmful impact on character grounds under Policy DM01.

- Whether harm would be caused to the living conditions of neighbouring residents.

Policy DM01 of the Development Management Policies 2012 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.

- Conversion from single family dwelling to flatted development:

The existing property serves a four-bedroom single family dwelling capable of accommodating up to 7.no persons. The existing entrance at the front elevation would provide a common entry point for all flats with internal doors would provide separate access to respective units. The proposed 2no self-contained flats would create a cumulative occupancy level that would provide accommodation for up to 8 persons. The LPA considers the difference between existing and proposed levels are similar and is thus not considered to be a harmful intensification.

The conversion is not considered to result in an intensity of use that would be harmful to the neighbouring residential occupiers by way of noise and disturbance and comings and goings, especially in light of recent approval of planning permissions for 3no self-contained flats at No.10 Wentworth Avenue, which is situated just opposite the application site.

- Extensions

With regards to the impact on the residents at No.43 Wentworth Avenue, the proposed ground floor extension extends a depth of 3 metres, which is 0.5 metres less than the advised depth of extension under Barnet's SPG (2016). It is noted no.43 benefits from a ground floor rear extension. Due to the level change across the depth of the property the basement extension is not considered to appear visually dominating or likely to result in a deleteriously harmful impact that would cumulatively result in a loss of outlook or sense of enclosure.

With regards to the impact on the residents at No.39 Wentworth Avenue, the impact of the ground and basement level extensions is not considered to result in a deleteriously harmful impact by reason of the distance from the site to the neighbouring property being 3.4 metres, across an access way. Residents would not experience a harmful loss of outlook or sense of enclosure.

### Potential impacts upon the amenities of future residents

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough.

The London Plan (2021), Barnet's policies and Sustainable Design SPD (Oct 2016) set out the minimum space requirements for residential units and bedrooms.

The requirements for Gross Internal floor Area (GIA) for 2 bedroom, 4 persons, two storey dwelling is 79sqm.

Flat 1 would provide 90sqm.

Flat 2 would provide 104.7sqm.

As such, the proposed dwellings comply with this requirement.

Table 2.2: Internal layout and design requirements of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Double/twin bedroom: minimum area should be 11.5 m<sup>2</sup> and should be at least 2.75m wide and every other double (or twin) bedroom and at least 2.55m wide.

The proposed dwellings are compliant with this requirement.

The Nationally described space standard sets a minimum ceiling height of 2.30m for at least 75% of the gross internal area of the dwelling. To address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space. Policy D6 of the London Plan (2021) requires a minimum floor to ceiling height of 2.5m for at least 75% of the Gross Internal Area of each dwelling.

The submitted section drawing and the additional information provided by the agent dated 19/07/2022 at 12:50 demonstrates that all of the units would exceed the London Plan required minimum internal floor to ceiling height.

### *Room Stacking:*

The Residential Design Guidance SPD (October 2016) requires that the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. The proposed development is considered to result in an acceptable degree of stacking. It is noted that Bedroom 2 in Flat 1 would be situated below the respective kitchen and dining space. However, this is

considered acceptable by reason of the rooms being part of the same unit.

Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units.

### **Outlook and light provision**

It is considered that each unit will have adequate levels of glazing to provide appropriate levels of light, ventilation and outlook whilst maintaining privacy.

### *Amenity Space*

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m<sup>2</sup> per habitable room.

Flat 1 would provide 34sqm of outdoor amenity space. This exceeds the required amount.

Flat 2 would provide 28sqm of outdoor amenity space. This exceeds the required amount.

Therefore, the proposed development would provide sufficient private amenity space for future occupiers in accordance with Barnet's Sustainable Design Guidelines.

### Impact on highways and parking:

A Highways Officer was consulted with throughout the course of the application process. On receipt of the amended drawings, namely PA2-1741-14 B, the officer provided the following comments:

#### Proposal

The applicant is proposing to convert the existing 1x 4+bed single family dwelling into 2x 2bed single family dwellings with the provision of 2x off-street car parking spaces.

#### Car Parking

The site lies within a PTAL 3 zone, which means that there is good public transport accessibility to and from the site.

The proposed provision of 2x off-street car parking spaces (1 per dwelling) is in line with requirements set out on Policy DM17 of the Barnet Local Plan, and is therefore acceptable on highways grounds.

#### Vehicular Access

The applicant is proposing to construct a new vehicular crossover. Please be advised that vehicular crossovers must be between 2.4m-4.2m wide.

The applicant is advised that an application must be made to the highways domestic crossovers team prior to the commencement of any works on the public highway. There appears to be a street lamp fronting the site where the proposed crossover is to be

constructed. Any costs associated with crossover works are to be covered by the applicant.

#### Refuse

The proposed refuse storage area is within 10m of the public highway and is therefore deemed acceptable on highways grounds.

#### Recommendation

The application is recommended for approval subject to the conditions and informatives.

#### Cycle Storage:

The submitted drawings includes cycle parking to the rear of the property. However, further details are required to confirm the storage meets the required number of units for the proposed development. These details would be secured via condition.

### **5.4 Response to Public Consultation**

7no objections were received and summarised as follows:

- Works began without planning permission
- Not informed of basement renovation and no planning permission obtained
- Residential road of quiet family houses harmed
- Increased congestion and parking problems leading to poor highways safety
- No capacity for cars
- Overdevelopment of the site and property
- Unsafe environment as building materials spill onto the pavement
- Antisocial behaviour of builders
- Overflowing skip that has blocked the highway.
- Long-terms works taking place
- Insubordinate extensions harmful to size of property
- Surrounding properties converted into flats and HMO existing without consent
- The shared community rear access road is blocked (against the terms of the title deeds and with no consultation with residents) and often spills onto the public footpath.
- Waste being constantly burnt on site.
- Contrary to planning policy and local need
- Loss of amenity to neighbours.
- Large ugly outbuilding at the rear of the property poorly completed
- The size of the property is also unsuitable for this kind of subdivision.
- Inaccurate information

1no representation was made and can be summarised as follows:

- Noise disturbance and pollution
- Overdevelopment of the plot
- Unsafe building environment and spill over to pavement
- Quiet neighbourhood would be harmed

Following a 14 day reconsultation period the following comments were received:

1no of objection was received:

- Side windows are not opaque and overlook neighbouring properties
- There is a side door to the property
- Side and rear elevations not accurate



- Poor quality design

These comments relating to character, amenity and highway impacts are addressed in the report.

- Single family dwellinghouses are prevailing

The LPA acknowledges this prevailing property type but is mindful of the appeal decision

- Overdevelopment of the site

The site would be intensified but not to a harmful degree. Please see the main body of the report for further detail.

- Limited front amenity space for vehicle and refuse parking

Sufficient space is available in the front amenity space for these elements. The Highways department have raised no objection.

- Vehicle manoeuvring / reversing is likely to be problematic and dangerous

The Highways department considers that the Highways impact is acceptable.

- The plans make no reference to an outbuilding at the rear of the property which is within the original plot of the property. This has now been fenced off for the new garden areas created and it is not clear on its purpose in relation to the proposed 2 flats. There is no direct access to the outbuilding which now has its own access solely from the communal access road so we are concerned as to the intentions for this outbuilding.

Adressed via a condition.

- Problems during construction

These relate to on-going works. A condition is recommended to secure a Demolition and Construction Management Plan.

## **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 recommended that the proposed development is APPROVED, subject to conditions.



LOCATION PLAN SCALE 1:1250

**Location** 40 Lovegrove Way London N20 0EU

**Reference:** 22/2324/HSE

Received: 2nd May 2022

Accepted: 3rd May 2022

**Ward:** Whetstone

Expiry 28th June 2022

AGENDA ITEM 8

**Case Officer:** Emily Palmer

**Applicant:** MS Rahila Hoq Amani

**Proposal:** Single storey rear extension

### **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:

202183.P.001  
202183.P.002 Rev A  
202183.P.101  
202183.P.102 Rev A  
202183.P.301  
202183.P.302 Rev A

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 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 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. 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.

#### **OFFICER'S ASSESSMENT**

## **1. Site Description**

The application site is located at 40 Lovegrove Way consisting of a two-storey end-terraced dwellinghouse with front and rear amenity space. The area surrounding proposed site is mainly residential consisting of similar two-storey terraced dwellinghouses with front and rear amenity spaces. The site is located within the Whetstone ward.

The site is not within a conservation area (designated as Article 2(3) land in The Town and Country Planning (General Permitted Development)(England) Order 2015 as amended) and is not within an area covered by an Article 4 direction. Furthermore, there are no conditions attached to the site which remove permitted development rights.

## **2. Site History**

Reference: 22/0774/PNH

Address: 40 Lovegrove Way, London, N20 0EU

Decision: Prior Approval Required and Refused

Decision Date: 4 April 2022

Description: Single storey rear extension with a proposed depth of 4.00 metres, a maximum height of 2.90 metres and an eaves height of 2.82 metres.

## **3. Proposal**

The application seeks approval for a single storey rear extension measuring approximately 3 metres in depth, 4.2 metres in width with a maximum height of 2.9 metres.

Amendments were sought to reduce the depth of the proposed extension from 3.5 metres to 3 metres.

## **4. Public Consultation**

Consultation letters were sent to 4 neighbouring properties. 7 responses have been received.

The objections can be summarised below:

- Loss of light
- Overdevelopment
- Character
- Sense of enclosure
- Small Gardens

## **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 amended on 20th July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 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 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.

The draft New London Plan is at an advanced stage. In December 2019, the Mayor issued the "Intend to Publish" version of the emerging New London Plan. After considering that Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor making a series of eleven Directions to the Plan. The Mayor cannot publish the New London Plan until the Directions have been incorporated, or until alternative changes to policy to address identified concerns have been agreed. Those policies affected by the Directions carry moderate weight, whilst those with no modifications can carry significant weight.

#### 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

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.

#### Barnet's Local Plan (Reg 18) 2020

Barnet's Local Plan -Reg 18 Preferred Approach was approved for consultation on 6th January 2020. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's emerging Local Plan. 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 emerging policies and draft site proposals.

### 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.

### **5.3 Assessment of proposals**

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01 which states that all proposals should preserve and enhance the local character of the area, as well as policies CS05 (both of the Barnet Local Plans)

The Council's adopted SPD 'Residential Design Guidance' states that the depth of a single storey rear extension, normally considered acceptable for terraced properties is 3 metres, for semi-detached properties it is 3.5 metres, and detached property is 4 metres. Single storey rear extensions to the original house, need to ensure that:

- o the depth and/or height of the extension does not cause a significant sense of enclosure,

or loss of outlook from, or light to, principal windows of habitable rooms of neighbouring properties

- o they do not look too bulky and prominent compared to the size of the main building and garden to which they relate
- o if the garden space is in breach of amenity standards then application will normally be refused
- o in addition, if the adjoining house is at a lower level or has a rear building line set back from your rear building line, the depth of the proposed extension may need to be reduced in order to protect amenity of your neighbour.

This proposal relates to a single storey rear extension. Officers note that the proposal would not be viewable from the front of the host dwelling, thus it is considered that the rear extension would not impact adversely on the existing street scene of Lovegrove Way. Furthermore, upon examination of aerial photography it should be noted that single storey rear extensions are not considered unique to Lovegrove Way. Other properties also benefit from rear extensions and therefore the principle of a single storey rear extension would not be considered detrimental to the character of the surrounding area.

Barnet's Residential Design Guidance outlines that a depth of 3 metres is normally considered acceptable for a single storey rear extension to a terraced house. The proposed depth of the extension at 3 metres from the original rear wall which complies with the guidance.

In terms of the neighbouring properties, both no. 38 and 42 Lovegrove Way do not benefit from any rear extensions. However, as amended due to its modest scale and height officers are satisfied that the proposal would be in keeping with the existing character of its immediate surroundings, and not result in any harm to the existing pattern of development.

The applicant site does not benefit from a large rear garden, however, it is within the standards of Barnet's Sustainable Design and Construction Guidance. The property benefits from 4 habitable bedrooms and has an outdoor amenity space of 50.61 m<sup>2</sup>. The guidance states for houses with four habitable rooms, the outdoor space requirement is 40m<sup>2</sup>.

As such, it is found that the established character and appearance of the existing dwelling would not be affected, therefore, in this regard, it is in compliance with Policy DM01 of Barnet's Development Management Policies DPD.

#### Residential Amenity

Barnet's Residential Design SPD provides clear guidance with regard to what is expected from new developments to ensure that the amenity of neighbouring occupants is not harmfully impacted. With regard to this application, the key concern is whether the proposal would result in any degree of overlooking to neighbouring sites and if overshadowing, loss of outlook and loss of light would occur as a result of the development.

#### No 38 Lovegrove Way:

Adjoining No. 40, which is structurally connected to the applicant site, is no.38 which does not benefit from a rear extension. As the proposed rear extension extends 3 metres in depth, officers are satisfied that it is within the guidance of that is normally considered acceptable and will not give rise to an overly deleterious amenity impact on the occupiers of No.38. The plans have been amended which reduces the depth of the extension to 3 metres.



No. 42 Lovegrove Way:

The extension at no. 40 would be sited 0.8m away from the shared boundary with no.42 Lovegrove Way. Due to the depth of the proposed extension and distance between the extension and neighbouring boundary, there would not be any amenity impact on no. 42 Lovegrove Way.

In assessment, and taking in to consideration of the east and west orientation of the sun officers are satisfied that the development is not considered to prejudice the residential amenities of neighbouring properties in terms of loss of light, outlook and privacy; therefore, in this regard, it is in compliance with Policy DM01 of Barnet's Development Management Policies DPD.

#### **5.4 Response to Public Consultation**

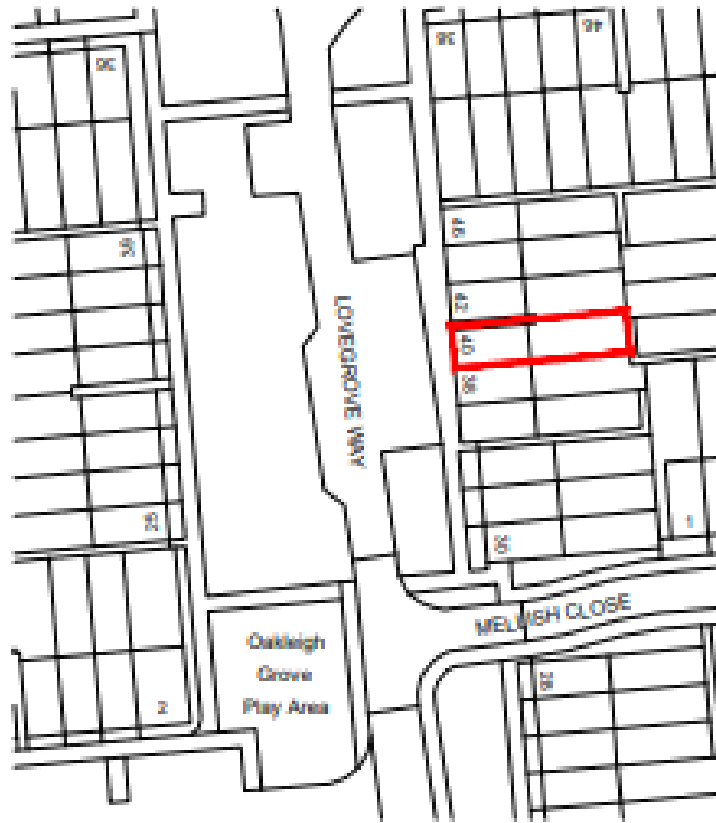
Addressed in report

#### **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.

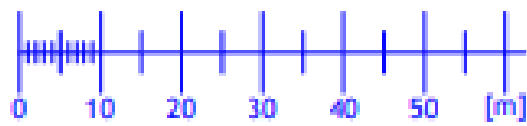
#### **7. Conclusion**

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.



**OS MAP**

**SCALE 1:1250**



**Location** 147 Cheviot Gardens London NW2 1QB

**Reference:** 22/0425/FUL Received: 27th January 2022  
Accepted: 27th January 2022

Ward: Cricklewood Expiry 24th March 2022

**Case Officer:** Emily Bell

Applicant: Mr Sanjay Gulati

Proposal: Conversion of single residential dwellinghouse into 2 self-contained flats, including part single, part two storey side and rear extension and alterations to existing rear dormer window. Associated amenity space, refuse storage, cycle storage and off-street parking

AGENDA ITEM 9

### **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:  
202111/147CG/C/01  
202201/147CG/C/02 REV D  
202111/147CG/C/03  
202201/147CG/C/04 REV D  
202201/147CG/C/05  
202111/147CG/C/S1

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 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 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).

- 5 a) Before the development hereby permitted is first occupied, details of the sub-division of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented 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) and the Sustainable Design and Construction SPD (adopted April 2013).

- 6 The use of the outbuilding hereby permitted shall at all times be ancillary to and occupied in conjunction with the Unit 2 and shall not at any time be occupied as separate units or dwellings.

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 7 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 wholesome 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. Any use of grey water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

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), Policy SI 5 of the London Plan 2021 and Barnet's Sustainable Design and Construction SPD (2016).

- 8 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

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

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's local Plan Policy CS9 of the Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 10 Prior to occupation of the development the proposed parking spaces within the parking area as shown in drawing no. 202201/147CG/C/05 submitted with the planning application and the access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all times. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and

Policy DM17 of Development Management Policies (Adopted) September 2012.

- 11 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

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

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

**Informative(s):**

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

We believe that your development is liable for CIL. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to

have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from:

<http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 4 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail [highways.development@barnet.gov.uk](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 5 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 6 Any gates must open inwards and not out onto the public highway for health and



safety reasons.

- 7 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licences please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licences or email [highwayscorrespondence@barnet.gov.uk](mailto:highwayscorrespondence@barnet.gov.uk).

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application property is a two-storey semi-detached single-family dwelling on the south side of Cheviot Gardens on a corner plot with Chiltern Gardens located in the Cricklewood ward. The application property is not located in a conservation area or locally / statutorily listed.

### **2. Relevant Site History**

Reference: 19/6016/192

Address: 147 Cheviot Gardens, London, NW2 1QB

Decision: Lawful

Decision Date: 6 December 2019

Description: Roof extension involving hip to gable, rear dormer window and 3no front facing rooflights

Reference: 19/6019/HSE

Address: 147 Cheviot Gardens, London, NW2 1QB

Decision: Approved subject to conditions

Decision Date: 30 December 2019

Description: Part single, part two storey side and rear extension

### **3 Proposal**

This application seeks full planning permission for the conversion of the single residential dwellinghouse into 2 self-contained flats, including part single, part two storey side and rear extension and alterations to existing rear dormer window.

Associated amenity space, refuse storage, cycle storage and off-street parking.

Unit 1 is proposed on the ground floor and is a 2 bed, 4 person unit with a GIA of 90sqm

Unit 2 is proposed on the first and loft floors and is a 3 bed, 5 person unit with a GIA of approx. 99sqm

2no parking spaces are provided.

Amenity space is provided to the rear for both flats. Unit 1 would be provided with 38.9m<sup>2</sup> and Unit 2 with 52.2m<sup>2</sup>.

## 4. Public Consultation

Consultation letters were sent to 64 neighbouring properties. 18 letters of objection have been received, summarised below:

- o Number of flat conversions is detrimental to the community and character of the estate
- o Anti-social behaviour as a result of flat conversions
- o Loss of green space
- o Would lead to extra pressure on local services
- o Proposals are too big
- o Already stress on parking in the area
- o Loss of amenity through loss of front garden
- o Proposals make no reference how they will deal with SUDS requirement
- o Loss of single family housing stock
- o Overdevelopment and high intensity
- o Design provides blank wall to corner of Chiltern Gardens
- o Insufficient daylight

An objection from the Golders Green Estate Residents Association was also received, summarised below:

- o Negative cumulative impact of overdevelopment
- o Not economically or socially sustainable
- o Not environmentally sustainable
- o Eroding character of area
- o Good existing offer of housing mixes
- o Cluttered streetscene
- o Street parking problems
- o Character of family homes
- o Intensive use
- o Beds-in-shed control
- o The area requires family homes

### 4.1 Internal Consultation

#### Highways

The LPA's Highways department were consulted regarding this application. The following comments were made:

The site lies within a PTAL 3 zone, which means that there is good public transport accessibility to and from the site. The proposed provision of 2x off-street parking spaces, 1x space per dwelling, is in line with requirements set out on Policy DM17 of the Barnet Local Plan and is therefore deemed acceptable on highways grounds.

The application is recommended for approval subject to conditions.

## 5. Planning Considerations

### 5.1 Policy Context

Revised 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 20th July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

### 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 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

### Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS14.
- Relevant Development Management Policies: DM01, DM02, DM08, DM17.

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.

### Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan.

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.

### 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:

- i. The principle of flats in this location
- ii. Whether the proposal provides satisfactory living accommodation for future occupiers
- iii. Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality
- iv. The impact on the amenities of neighbouring occupiers
- v. Parking and highways
- vi. Cycle Storage
- vii. Refuse and recycling storage.

### **5.3 Assessment of proposals**

#### Principle of conversion into flats in this location

The Borough has an attractive and high-quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity,

and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

Within Paragraph 2.8.1 of the Development Management Document which is a material consideration in the determination of this application, the Council state the following: "The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flatted accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate.

Policy DM01 of Barnet's Local Plan Development Management Policies DPD 2012 (LP) states that proposals should be based on an understanding of local characteristics. Criterion h of the same policy states that the conversion of dwellings into flats in roads "characterised by houses" will not normally be appropriate.

Following an assessment of planning records, it is noted that a large number of properties on Cheviot Gardens benefit from planning permission for the conversion into self-contained flats.

Planning permission has been granted between the period 2006-2021, notably nos. 145 (C14798D/06 and F/02295/10 and 17/1280/FUL), 80 (F/01365/09), 153 (F/04564/12), 124 (14/07553/FUL), 8 (16/6467/FUL), 108 (17/2834/FUL), 144 (17/7057/FUL), 46 (18/5942/FUL) and 51 (20/6116/FUL).

Cheviot Gardens is therefore considered an appropriate location in which housing has already undergone conversions and redevelopment into small-flatted development. Given the character of Cheviot Gardens, officers consider that the principle of the conversion of the single family dwelling in this location to be acceptable in principle, in compliance with Policy DM01.

Further, the proposal would provide a 3 bedroom unit which would provide a family sized unit.

#### Whether the proposal provides a satisfactory living environment for future occupiers

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough.

#### Floorspace standards:

The London Plan sets a minimum Gross Internal Floor Area flats based on a standard set for the number of bedrooms(b) and persons-bedspaces (p). Table 3.3: Internal layout and design requirements of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m<sup>2</sup> and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m<sup>2</sup> and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

A 2 bed, 4 person unit over 1 storey requires 70sqm and a 3 bed, 5 person unit over 2 storeys requires 93sqm.

The proposed units are as follows:

Flat A is proposed on the ground floor and is a 2 bed, 4 person unit with a GIA of 90m<sup>2</sup>. Flat B is proposed on the first and loft floors and is a 3 bed, 5 person unit with a GIA of 99m<sup>2</sup>.

Both flats are shown to meet the relevant minimum standards for internal floorspace.

#### Outlook, light and privacy:

Policy DM01 states that 'Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users'.

Both flats A and B are dual aspect. The proposed flats are considered to benefit from adequate light and outlook.

#### Stacking:

Policy DM04 of the Development Management Document (2012) part d. states that proposals will be refused if they lead to an unacceptable level of noise and disturbance unless the scheme can demonstrate any mitigation measures.

The proposed layout provides reasonable stacking throughout the property. In the event of an approval, a condition should be attached for Pre-Completion Sound Insulation Test Certificates to be submitted to the LPA.

#### Outdoor amenity space:

Section 8.4 of Barnet's Local Plan SPD: residential design guidance states: "in designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides reasonable level of privacy". Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m<sup>2</sup> per habitable room. Rooms over 20m<sup>2</sup> should be counted as two habitable rooms.

Both units would have access to private amenity space. Unit 1 would be provided with 38.9m<sup>2</sup> and Unit 2 with 52.2m<sup>2</sup>. Both units would provide adequate outdoor amenity

space. It is noted that due to site constraints and the proposed side extension extending up to the side boundary the access to the private amenity space of Unit 2 would be via the street. Although this is not an ideal situation, it is considered that on balance the proposal does provide for private outdoor amenity space for both units and the access is considered reasonable in this case given the corner property nature of the application site.

Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

Paragraph 131 of the NPPF states that 'in determining applications, local planning authorities should take account of the desirability of new development making positive contribution to local character and distinctiveness.' Thus, any proposal should respect the local character and either preserve or enhance it. This is compliant with policies DM01 and CS05 of the Local Plan DPD.

Para 14.14 of the Residential Design Guide SPD 2016 states that side extensions to existing buildings can be unacceptably prominent features in the street scene as shown by Figure 4. Where gaps between houses are a common feature of a street, then proposals which close such gaps or create a terracing effect by bringing buildings too close together are likely to be rejected.

Para 14.15 of the Residential Design Guide SPD 2016 states that side extensions should not be more than half the width of the original house. In addition, the setting back of the front wall of side extensions from the front building line can help to reduce the visual impact on the street scene. First floor side extensions should normally be set back 1 metre from the front main wall of the existing house. Figure 5 shows a subordinate side extension.

Para 14.21 of the Residential Design Guide SPD 2016 states that the depth of a single storey rear extension, normally considered acceptable for terraced properties is 3 metres, for semi-detached properties it is 3.5 metres, and detached property is 4 metres.

The application site previously gained approval for a part single, part two storey side and rear extension (planning ref. 19/6019/HSE) and a roof extension involving hip to gable, rear dormer window and 3 no front facing rooflights (planning ref. 19/6016/192).

Since the permission for the part single, part two storey side and rear extension has been approved, the roof extensions proposed under permitted development have been built, as per the site photographs submitted. An informative was included within the decision notice for 19/6019/HSE that stated that "The applicant is advised that if the roof extensions the subject of certificate of lawfulness 19/6016/192 are implemented, a further application would be required for the side and rear extensions." .

The single storey rear extension would measure approx. 3.50 metres at ground level. The development would adhere to the Council Guidance insofar as a subordinate depth and height of a single storey rear extension (in the case of a semi-detached property) on the common boundary with no 145 to the east of the application site. Amendments were received throughout the lifetime of the application that included a reduction in the overall scale of the extensions proposed. This included the removal of the proposed first floor rear extension and the resulting scheme is considered to result in a much more proportionate extension to the original property. The reduced scheme is also considered more in keeping with surrounding development.

Overall, the revised scheme is considered to have an acceptable impact on the character and appearance of the host building and wider area.

### Impact on the amenities of neighbours

The proposed extensions were found to have an acceptable impact on the amenities of neighbouring occupiers under application ref. 19/6019/HSE and officers views remain that the proposed extensions would have an acceptable impact. It is noted that due to the construction of the roof extension since the previous application was approved that there are changes to the proposed roof form of the side and rear extensions, however, this is not considered to result in any greater impact to the amenities of neighbouring occupiers.

The existing dwelling benefits from 3no bedrooms. Given the size of these bedrooms, it is likely that the existing occupancy could be 6 persons.

The proposal is for 1x2bed, 4 person and 1x3 bed, 5 person flats and the conversion would result in an additional occupancy. It should be noted that several properties in close proximity to the site have been converted into flats. Whilst it is accepted that the scheme would result in additional comings and goings than the existing single family dwelling, it is considered that given the character of the surrounding properties and Cheviot Gardens as a whole, officers do not consider that the increase in occupancy level would result in an unacceptable level of harm to the amenity of the neighbouring occupiers that would warrant a refusal.

Residential use is accepted on site and it is considered that there would be no significant additional impact on the residential amenities of the neighbouring occupiers as a result of the sub-division. Thus, it was found that the proposed development will have an acceptable impact to the neighbouring properties.

Therefore, in assessment, the conversion is not considered to result in an intensity of use that would be harmful to the neighbouring residential occupiers by way of noise and disturbance and comings and goings.

### Parking and highways

Barnet's Highways department were consulted regarding parking and highways for the proposed development.

The site lies within a PTAL 3 zone, which means that there is good public transport accessibility to and from the site. The proposed provision of 2x off street parking spaces, 1x space per dwelling is in line with requirements set out on Policy DM17 of Barnet Local Plan and is therefore deemed acceptable on highways grounds.

The applicant is proposing to use the existing access.

The application is therefore found acceptable on highways grounds.

### Cycle Storage

Cycle parking and cycle storage facilities should be provided in accordance with the London Borough of Barnet's Local Plan, in the interests of promoting cycling as a mode of transport.



A condition can be attached to any approval requiring details of cycle parking, including providing a secure, covered and lockable location.

### Refuse and recycling storage

The plans indicate that refuse storage is proposed to the side of the application site. Details of refuse and recycling storage and collection is to be secured by condition in the event of approval.

### Accessibility and Sustainability

Conditions would be attached to any permission to ensure the integration of water saving and efficiency measures insofar as a maximum of 105 litres of water consumption per person per day to comply with Policy S1.5 of the London Plan (2021) and a reduction of CO2 emissions over Part L of the 2013 Building Regulations in accordance with the requirements of Policy S1.2 of the London Plan (2021) and the 2016 Housing SPG's requirements.

## **5.4 Response to Public Consultation**

- o Would lead to extra pressure on local services
- o Not economically or socially sustainable

The addition of 1no additional dwelling is not considered to result in additional pressure that would warrant refusal of the application.

- o Proposals are too big

Amendments have been received to reduce the scale of the proposed extensions. The impact on the character and appearance of the site has been discussed within the main body of the report.

- o Already stress on parking in the area
- o Street parking problems
- o Cluttered streetscene

Highways officers have reviewed the proposals and find it acceptable on parking and highways grounds.

- o Loss of amenity through loss of front garden
- o Loss of green space

The level of outdoor amenity provided has been discussed within the main body of the report. The provision of a hardstanding to the front to provide 2no parking spaces would be consistent with the streetscene where it appears that the majority of properties benefit from front hardstanding.

- o Proposals make no reference how they will deal with SUDS requirement

Not a requirement for a development of this scale

- o Loss of single family housing stock
- o Number of flat conversions is detrimental to the community and character of the

estate

- o The area requires family homes
- o Eroding character of area
- o Good existing offer of housing mixes
- o Character of family homes

The principle of conversion to flats has been discussed within the main body of the report. It is also noted that the conversion would provide 1x 3bed unit which is considered a family sized unit.

- o Overdevelopment and high intensity
- o Anti-social behaviour as a result of flat conversions
- o Negative cumulative impact of overdevelopment
- o Intensive use

Revised drawings have been received in order to adequately address initial concerns regarding the scale of the proposed extensions. The additional comings and goings resulting from the proposed use of the site is discussed within the main body of the report.

- o Design provides blank wall to corner of Chiltern Gardens

Three windows are proposed to face onto Chiltern Gardens. This is consistent with the extensions found acceptable under a previous application.

- o Insufficient daylight

Adequate light and outlook is considered to be provided to the proposed units.

- o Not environmentally sustainable

In the event of an approval, a condition would be attached to ensure carbon reduction measures. From aerial photography it appears that the front garden area already has a large area of hardstanding.

- o Beds-in-shed control

The proposal does not include the conversion of the outbuilding to a self-contained unit. Planning permission would be required for this. A condition could be attached to any approval requiring the outbuilding to be ancillary to the first and loft floor unit. Any unlawful development should be reported to the council's enforcement team.

## **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, the proposed development would have an acceptable impact on the character and appearance of the application site and the wider locality, would have an acceptable impact on amenities of neighbouring and future occupiers. This application is therefore recommended for APPROVAL.



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<b>Location</b>	<b>Greengate Stables Mays Lane Barnet EN5 2AQ</b>	
<b>Reference:</b>	<b>22/2121/FUL</b>	Received: 20th April 2022
		Accepted: 20th April 2022
Ward:	Underhill	Expiry 15th June 2022
<b>Case Officer:</b>	<b>Mansoor Cohen</b>	
Applicant:	.	
Proposal:	Temporary erection of four portacabin for three years	

AGENDA ITEM 10

**OFFICER’S RECOMMENDATION**

Refuse

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 proposed development, by virtue of its individual and cumulative size, scale, mass, bulk, siting and visual appearance would fail to preserve the openness of the Green Belt or to safeguard the countryside from encroachment and consequently constitute as inappropriate development. No case for very special circumstances has been demonstrated to outweigh the harm caused to the Green Belt by reason of inappropriateness or any other harm identified. As such the proposal would be contrary to Policies CS NPPF, CS1 and CS7 of the Local Plan Core Strategy (September 2012), Policy DM01 and DM15 of the Local Plan Development Management Policies DPD (September 2012), Policy G2 of the London Plan (2021) and Section 13 of the National Planning Policy Framework (2021)

## **Informative(s):**

- 1 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. The LPA has discussed the proposal with the applicant/agent where necessary during the application process. Unfortunately the scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

- 2 The plans accompanying this application are:

Dwg. no. P20  
Dwg. no. P21  
Design & Access Statement  
Planning Statement  
Supporting Statement  
Very Special Circumstances  
Reptile report  
Site Photos

## **OFFICER'S ASSESSMENT**

The application has been called in by Councillor Roberts for the following reason(s):

*This application is for temporary, not permanent, structures to enable this charity to carry out its work. The site is currently occupied by a range of dilapidated buildings (over 12 altogether). The site is not overlooked by any other residential property and the nearest dwelling, Vale Farm, is over 100 metres away and is not overlooked. The use of the site by a charity running much valued services for a wide range of 13 Barnet schools helps some*

*400-500 local children with mental health and communication issues. The proposed portacabins are for temporary use but provide essential space for the running of such a charity. These temporary portacabins will not be as high as some of the existing delapidated buildings. There will be no highway impact. The use of the site by a local charity to provide the much needed therapeutic services in an open environment is an ideal use of such Green Belt site. There are no plans to cause any damage to any local trees.*

## **1. Site Description**

The site, known as Greengate Stables, is located on the southern side of Mays Lane and has an established use certificate for an equestrian use. The wider site consists of 11 acres of open paddock land including a dilapidated stable yard and associated buildings, an access road and existing hardstanding fronting Mays Lane.

The site is bound by agricultural/open land to the north on the adjacent side of Mays Lane, to the east by Vale Farm, to the south by open land and Dollis Brook and to the west also by open land and further beyond the site known as The Thrift.

The natural topography of the land is higher to the roadside frontage, falling away to the south towards the river.

The site lies wholly within the Green Belt and is rural in character with vast areas of open land interspersed with small scale buildings and facilities. The site also falls within Article 4 (6) land, which removes agricultural permitted development rights.

## **2. Relevant Site History**

Reference: N00898B

Address: Greengate Stables, Mays Lane, Barnet, EN5 2AQ

Decision: Established use certificate (Lawful)

Decision Date: 11.03.1981

Description: Use of the land and buildings edged red on submitted plans (but excluding the booking office) at Mays Lane, Barnet for a Riding school, stables, tack room and stores and the use of land for the stationing of a cavern, together with such ancillary uses including haymaking, grazing, general farming and some dealing.

Reference: 22/1747/FUL

Address: Greengate Stables, Mays Lane, Barnet, EN5 2AQ

Decision: Approved subject to conditions

Decision Date: 21 September 2022

Description: Installation of an all-weather manage and associated fencing

## **3. Proposal**

The proposal seeks planning permission for the 'Temporary erection of four portacabins for three years'.

Three of the portacabins would measure approximately 10m in length, 3m in width and 2.6m in height, whilst the fourth portacabin would measure 5m in length, 2.7m in width and 2.6m in height.

The portacabins would be standard pre-fabricated buildings steel clad in royal blue.

The prescribed use of the three larger portacabins are as follows:

1. Storage and fitting room where paraphernalia such as riding hats, boots and other equipment will be stored.
2. An office and mess space for yard staff
3. A secure tack and rug room

The prescribed use of the fourth smaller portacabin is as a toilet and washroom block (welfare facilities).

A concurrent application was recently approved (22/1747/FUL) for the installation of an all-weather manège and associated fencing and was the subject of its own assessment.

#### **4. Consultation**

##### Neighbour Consultation

A site notice was erected on 28.04.2022.

Consultation letters were sent to 3 neighbouring properties. 2 letters of support were received; one from Cllr Roberts and one from the Barnet Society respectively stating as follows:

Cllr Roberts:

"I wish to call in planning application 22/2121/FUL Greengate Stables, Mays Lane, Barnet EN5 2AQ which is due to be heard at Planning B Committee on 15th November. This application is situated within my Underhill Ward.

My reasons for calling this in are all planning related and are in response to the officer's recommendation to refuse this application. My points will cover the issues relating to this application for temporary, not permanent, structures to enable this charity to carry out its work. As the officer's Site Description mentions the site is currently occupied by a range of delapidated buildings (over 12 altogether). The site is not overlooked by any other residential property and the nearest dwelling, Vale Farm, is over 100 metres away and is not overlooked. The use of the site by a charity running much valued services for a wide range of 13 Barnet schools helps some 400-500 local children with mental health and communication issues. The proposed portacabins are for temporary use but provide essential space for the running of such a charity. These temporary portacabins will not be as high as some of the existing delapidated buildings. There will be no highway impact. The use of the site by a local charity to provide the much needed therapeutic services in an open environment is an ideal use of such Green Belt site. There are no plans to cause any damage to any local trees."

The Barnet Society:

"The Barnet Society supports this application subject to conditions. We welcome greater use of the Green Belt for educational, health & leisure purposes.

The site is a key link in a chain of green spaces, the rural character of which sharply & attractively defines the W boundary of urban Chipping Barnet. It is also a vital natural corridor for wildlife. Many of the birds nesting in or passing through Arkley's fields are Red or Amber-Listed by the IUCN.



The manège (22/1747/FUL) may have little environmental impact, but the portacabins essential to its operation (22/2121/FUL) could certainly do so. Approval of one must not be granted without approval of the other.

These conditions should be attached:

- Confirmation that portacabin services & drainage will have no environmental impact.
- Protection of all trees, bushes & hedgerows along, & immediately outside, the site boundary, & of any trees within the site subject to Tree Preservation Orders.
- Safe management of vehicle access to & from the site.
- Use of appropriate natural colours & finishes to new fences.
- As little external lighting (in terms of extent, light intensity & duration) as necessary for safety & welfare of human & animal users.

The manège will not be sustainable without the future Phases 2 & 3 (paras 2.13.2 & 3 of the Design & Access Statement). It is regrettable that no masterplan has been submitted to demonstrate the long-term vision for the site & identify key issues to be addressed in subsequent applications. Information we particularly wish to see includes:

- Submission of a satisfactory ecological report & environmental impact assessment, with appropriate measures to mitigate any detrimental impacts on existing wildlife.
- Submission of a detailed & appropriate landscape plan, specification & management strategy that fosters the biodiversity of the site (including the blue-lined area) & its surrounding environment in line with Council draft Policies CDH07, ECC05, ECC06 & GSS01."

### Internal Consultees

Highways - No objection, subject to method statement setting out how the porta cabins will be delivered and manoeuvred into place.

Trees - No objection: It looks like the oak tree is dead and therefore would not need the usual tree protection measures. As the usage of the site, if this scheme is approved, will increase significantly the landowner/applicant may wish to take risk reduction measures to prevent harm to property or people. This dead tree have very high ecological values and as much of the standing tree should be retained on the site as possible.

There are no other trees of merit in close proximity to the development. I think we need details of where spoil will be taken to level and install the ridding facility.

Ecology -

Reptiles:

I have reviewed the reptile survey report (Jones and Son Environmental Science Ltd. August 2022) and given that did not find any reptiles I am content to include an advisory on maintaining unsuitable ground conditions to discourage reptiles within the area of the proposed manège (as per Section E of the report).

Nesting birds:

Any works that requiring the removal of vegetation will need to be timed outside of the nesting bird season as to avoid disturbing nesting and ground nesting birds and thus committing an offence under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended).

#### Bats:

None of the buildings were recorded as having suitability for bats and so no further surveys will be required. Due to the presence of a number of trees along the Upper Dollis Brook with high suitability for roosting bats a detailed Construction and Environment Management Plan would be required with details of Ecological Exclusion Fencing will be required to ensure sufficient protection of the boundary hedges, trees and neighbouring SINC.

As recommended in section H4 (protection of bats) any future lighting scheme for the site (both construction and post construction) will require the design and approval of bat sensitive lighting strategy to ensure the prevention of light spill onto the high-quality commuting and foraging bat habitats on the boundary of the site.

#### Wild mammals:

Due to the presence of mammal trails recorded onsite (no signs of badgers) the precautionary measures outlined in section H5 (Protection of wildlife crossing the site) will need to be adhered to during any future works. This would include supervision of any log/brush pile removal by an ecologist and the covering over or providing a ramp to an excavation on site to ensure that wild mammals can escape.

#### Biodiversity Net Gain:

A Biodiversity Net Gain assessment is recommended within the PEA report and will need to be submitted using an approved net gain calculation by a suitably qualified ecologist. According to the PEA report a further site visit will be required by an ecologist to conduct a condition assessment of the habitats present on site to inform the biodiversity net gain calculation using an approved Defra Biodiversity Metric. The findings of the condition assessment (include habitat distinctiveness, quality and strategic importance) will be used to calculate the pre-invention biodiversity units for the individual habitat and site as a whole and then calculate the final Biodiversity Net Gain score the site, calculating the existing habitats that will be retained and enhanced combination with those habitats that will be loss, created or offset under the proposed landscaping plan. The final score will determine whether the proposed scheme will result in a the required 10% "Net Gain", or it the proposed scheme results in a "No Net Loss" or "Net Loss" in biodiversity on the site.

The habitat enhancement measures outlined in section I1 (Improving the hedgerow network) and I2 (Habitat enhancements) can be incorporated into the biodiversity net gain assessment for the site. Such improvement measure includes infilling gaps in the hedge with species rich hedge plantings and planting of addition hedgerows and trees within the site, the creation of wildlife ponds and a small orchard, and species provisions such as purpose-built bat roost and bird nest boxes.

#### Totteridge Fields and Highwood Hill, and Upper Dollis Brook SINC:

Due to the location of the proposed works within 10m from the Totteridge Fields and Highwood Hill SINC, and 100m from the upper Dollis Brook SINC there is a risk that without appropriate mitigation the SINC are likely to be damaged by pollution run, construction activity including the movement of vehicles, deposition of materials for development, litter and increase in nutrients entering the brook. To mitigate the risk of these risk a detailed CEMP outlining the ecological Working Methods in section H1 (Protection of the SINC sites and other sensitive habitat) will required as part of the propose works to avoid unnecessary damage, mitigate and remediate any damage cause to sensitive habitats on site. This would include the provision of temporary fencing or "ecological exclusion fencing" to safeguard those boundary habitats and adjacent SINC.

## 5. Planning Considerations

## 5.1 Policy Context

### National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was updated on 20 July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

### The Mayor's London Plan 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 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.

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan.

### 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, CS7, CS9, CS10, CS11.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM13, DM15, DM16, DM17.

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 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.

## Barnet's Draft Local Plan (Reg 22) 2021

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. 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.

### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted 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:

- The principle of the development;
- Whether the proposal would have an acceptable impact on the Green Belt;
- Whether harm would be caused to the character and appearance of the street scene, locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Highway Impact;
- Trees, Ecology and Landscape matters;

## **5.3 Assessment**

### Principle of the Development and Green Belt Impact

As stipulated earlier, the application site lies wholly within the Green Belt. The policy background for development within the Green Belt is set out in Section 13 of the National Planning Policy Framework (NPPF, 2021) and establishes that the government attaches great importance to Green Belts, "the fundamental aim" of which is to prevent urban sprawl by keeping land permanently open.

The essential characteristics of Green Belts are their openness and their permanence and the NPPF identifies five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban

land.

Paragraph 145 states 'local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.'

Paragraph 147 of the NPPF states: Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 continues and states: When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The NPPF recognises exceptions to new development in Green Belts as being, inter alia, 'b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;' (Para.149).

The London Plan (2021) in Policy G2 reiterates that Green Belt should be protected from inappropriate development. It also notes 'the enhancement of the Green Belt to provide appropriate multi-functional beneficial uses for Londoners should be supported.'

Policy DM15 of the Local Plan offers the same level of protection to Green Belt land as the NPPF. It goes on to state in part ii) Except in very special circumstances, the council will refuse any development in the Green Belt or MOL which is not compatible with their purposes and objectives and does not maintain their openness.

Thus, the first policy test to meet is whether the proposal constitutes inappropriate development in the Green Belt.

It is highlighted, that as cited above in the planning history, the site benefits from an established equestrian use. Moreover, a recent approval for the installation of a manège re-affirms its established equine use.

Following further supporting information and clarification, the use of the proposed four portacabins would be as follows:

1. Storage and fitting room where paraphernalia such as riding hats, boots and other equipment will be stored.
2. An office and mess space for yard staff
3. A secure tack and rug room
4. A toilet and washroom block (welfare facilities).

The applicant asserts that the four portacabins would be for a use ancillary to the now approved manège - that is - for a use which would support the functionality and operation of the manège.

In respect of the manège, the officer delegated report states as follows:

"The manège for an equestrian use would therefore be defined as appropriate facilities for outdoor sport/recreation. The supporting documents details that the use would be provided for vulnerable and disadvantaged groups who primarily reside within the borough of Barnet, providing much needed recreational facilities for these users and the wider community as a whole. Furthermore, the documents state that it is not possible to regularly and safely ride and train with the horses without a safe and suitably surfaced facility and therefore the manège is essential for the provision of this recreational activity.

It is therefore considered that the proposal would constitute as appropriate facilities for outdoor sports/recreation, therefore falling within part b) of the exceptions test (NPPF Para.149)..."

It is evident from the nature of the proposed uses for portacabins 1, 3 and 4 that these would be deemed as ancillary facilities in support of the approved manège. In respect of portacabin 2, for the office and mess space, this is considered a reasonable requirement to manage the operation of this outdoor recreational facility. As such, officers consider the portacabins would constitute as appropriate facilities for outdoor recreation, however, as per Para. 149 of the NPPF this is on the proviso that the facilities would 'preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'.

The existing site consists of some low level stable buildings recessed within the site which are presently in a state of disrepair. With the exception of these buildings, the site is devoid of built form and thus exhibits a strong rural open and verdant character which positively contributes to the character of the site and the Green Belt.

The proposed portacabins would be sited ahead of the existing stable buildings and therefore closer to the streetscene of this extensive subject site. The size of each portacabin is extensive with the larger ones occupying a footprint of 10m by 3m and the single smaller portacabin measuring 5m by 2.7m, each rising to a height of 2.6m. The portacabins would thus occupy a considerable footprint both individually and collectively. Internal layout plans of the portacabins have not been provided and therefore on face value it would appear that the use in relation to their size appears excessive. In any event, it is considered that the grouping of these portacabins are considered to be excessive in number and size and add considerable built form to the subject site.

Furthermore, and despite their some 27m setback from the front curtilage of the site, given their siting these would have undue visibility from the streetscene at various vantage points which would adversely impact the established openness of the site. Moreover, its relative forward siting in conjunction with its wholly uncharacteristic visual appearance and proposed royal blue finish would fail to blend in with the verdant character of the site.

It is understood that due to operational requirements and funding constraints, the exploration of utilising/refurbishing/rebuilding the existing derelict buildings has not been possible which may have resolved some of the above concerns raised.

It is acknowledged that the proposal is for a temporary permission of three years, however, it is not considered that this would alleviate the harm outlined above over this prolonged period of time. Furthermore, it is important to note the context of the temporary use which has been clear from the outset, that the charity has ambitions to further develop the site when possible and therefore the temporary nature of the proposal is not an isolated development to serve a particular function in the short term but rather a means to an end for further potential phasing.

In summary whilst the proposed portacabins would meet the criteria of ancillary facilities for outdoor recreation, they are not deemed to preserve the openness of the Green Belt and the purposes of including land within it. As such, the proposal would constitute as inappropriate development within the Green Belt and very special circumstances would need to be demonstrated.

In this context, Para. 148 of the NPPF states: When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The applicant has set out a case for very special circumstances (VSC). These consist of operational needs and security, improved mental health and wellbeing, functionality of the site, and economic improvement.

It is highlighted that the operation of the manège as approved was demonstrated to being capable of operating in isolation without the inherent need for the portacabins. It is acknowledged that the provision of the portacabins would improve operational efficiency however, it is highlighted as not being essential. Furthermore, the submitted VSC report acknowledges that the tack room can be transported on an 'as needed' basis. Limited weight is therefore attached to the operational and security needs of the site.

The applicant has confirmed that educational facilities off site will be provided to compliment the outdoor recreation which will improve mental health and the equine use independently provides a source of wellbeing to its users. Limited weight is therefore attached to any improved wellbeing as a consequence of the provision of these portacabins.

In terms of functional use, whilst the portacabins would advance the equine use on site, this would equally be accomplished by the approved menage.

In the context of the proposed use and staffing levels, any economic benefit would be relatively minor.

In conclusion, it is not considered that the benefits of the scheme, both individually and cumulatively would outweigh the harm identified above to the Green Belt and as such, it is not considered that very special circumstances exist.

#### Whether harm would be caused to the living conditions of neighbouring residents

Policy DM01 of the Development Management Policies 2012 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.

The subject site is expansive and somewhat remote, the only neighbouring site which could be impacted by the proposed development is Vale Farms located to the immediate east. Vale farm consists of an established horse riding school/equestrian centre, as such it is unlikely that any impact would be sustained by levels of activity on the subject site particularly given the siting of the portacabins considerably away from the common boundary.

## Highway Impact

The submission has been reviewed by the councils highways team who have raised no objection to the proposal subject to method statement setting out how the portacabins will be delivered and manoeuvred into place. These details can be secured through a suitable condition.

## Trees and Ecology

### Trees/Landscaping:

In terms of existing trees the Councils Tree officer has stated there are no trees of merit in close proximity to the development. One noted oak tree appears to be dead and therefore would not require the usual tree protection measures.

## Flooding

The placement of the portacabins lie within flood zone 1, which means it has a low probability of flooding from rivers and the sea, however, the rear of the site which is in proximity to Dollis Brook, is a flood zone 3 area which means it has a high probability of flooding. The plans depict a new manhole sited in the area of the portacabins with a connecting new foul drain which will adjoin the existing main foul sewer at the rear of the site and therefore would acceptably discharge any drainage from the proposed portacabins. Details of services and the foul drain can be secured via a condition.

## Ecology

The nature and scale of the scheme would not result in an adverse impact to protected species. As per the approved application for the manège (22/1747/FUL), if required suitable conditions could be imposed, to ensure biodiversity is preserved/enhanced.

## **5.4 Response to Public Consultation**

-The site is a key link in a chain of green spaces, the rural character of which sharply & attractively defines the W boundary of urban Chipping Barnet. It is also a vital natural corridor for wildlife. Many of the birds nesting in or passing through Arkley's fields are Red or Amber-Listed by the IUCN.

As per the appraisal above, necessary conditions and informatives can be imposed to ensure wildlife is protected in the event of an approval.

-The manège (22/1747/FUL) may have little environmental impact, but the portacabins essential to its operation (22/2121/FUL) could certainly do so. Approval of one must not be granted without approval of the other.

Each application needs to be assessed on its own merits.

- Protection of all trees, bushes & hedgerows along, & immediately outside, the site boundary, & of any trees within the site subject to Tree Preservation Orders.



No trees of merit in close proximity to the development. A hard and soft landscaping condition has been imposed to ensure any existing and/or replacement trees are retained/provided.

- Safe management of vehicle access to & from the site.

No alterations to the existing access is proposed. Highways have raised no objections. A construction management plan condition can be imposed to any approval.

- As little external lighting (in terms of extent, light intensity & duration) as necessary for safety & welfare of human & animal users.

No external lighting is proposed.

-The manège will not be sustainable without the future Phases 2 & 3 (paras 2.13.2 & 3 of the Design & Access Statement). It is regrettable that no masterplan has been submitted to demonstrate the long-term vision for the site & identify key issues to be addressed in subsequent applications. Information we particularly wish to see includes:

- a. Submission of a satisfactory ecological report & environmental impact assessment, with appropriate measures to mitigate any detrimental impacts on existing wildlife.
- b. Submission of a detailed & appropriate landscape plan, specification & management strategy that fosters the biodiversity of the site (including the blue-lined area) & its surrounding environment in line with Council draft Policies CDH07, ECC05, ECC06 & GSS01.

This is not relevant to the current proposal.

## **6. Equality and Diversity Issues**

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

For the purposes of this obligation the term "protected characteristic includes:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section. It is recognised that the charity supports vulnerable and

disadvantaged young people who may fall within one or more of the protected characteristics, whilst the proposed portacabins may further benefit these users by providing ancillary facilities, the menage as approved, could operate independently of these portacabins and therefore the benefits of the scheme could in any event be realised. Officers therefore conclude that the recommendation to refuse this scheme would comply with the Council's statutory duty under this legislation.

## **7. Conclusion**

Having taken all material considerations into account, it is considered the proposed development would constitute as inappropriate development by virtue of its adverse impact to the openness of the Green Belt and the purposes of including land within it. Whilst benefits of the scheme have been advanced in the form of very special circumstances, officers consider these to be limited given the menage could operate independantly of the proposal and in any event, such benefits (which could have been realised through more sensitive means) would not outweigh the harm identified to the Green Belt. The application is therefore recommended for REFUSAL.

**Location** 26 Portsdown Avenue London NW11 0NG

**Reference:** 22/1783/FUL

Received: 4th April 2022

Accepted: 6th April 2022

**Ward:** Golders Green

Expiry 1st June 2022

AGENDA ITEM 11

**Case Officer:** Madara Tukisa

**Applicant:** Mr Andrew Tesler

**Proposal:**

Demolition of existing house and the erection of a new 2 storey house with mansard roof (including retention of the two storey wall and chimney stacks on the boundary with 28). Associated refuse storage and off-street parking

## **OFFICER'S RECOMMENDATION**

Refuse

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 proposed development incorporating a new two storey dwelling, by reason of its size, design and bulk, would result in an uncharacteristic development which would harm the character of the street scene along Portsdown Avenue. The proposal is therefore contrary to Policy D3 of the London Plan (2021), Policy C5 of the Local Plan Core Strategy (2012), Policy DM01 of the Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2016).
- 2 The proposed development incorporating a new two storey dwelling, by reason of its size and rearward projection would create adverse impact to the neighbouring

amenity at no. 24 Portsdown Avenue in terms of appearing overbearing and causing significant levels of loss of light and outlook. The proposal is therefore contrary to Policy D6 of the London Plan (2021), Policy CS5 of the Local Plan Core Strategy (2012), Policy DM01 of the Development Management Policies DPD (2012), the Residential Design Guidance SPD (2016) and Sustainable Design and Construction SPD (2016).

### **Informative(s):**

- 1 The plans accompanying this application are:  
Site Location Plan  
26/EX/04, 26/EX/05, 26/PRO/06, 26/EX&PRO/07, 26/EX&PRO/08 dated June 2021  
  
26/EX/01, 26/EX/02, 26/EX/03, 26/PRO/02, 26/PRO/04, 26/PRO/05, 26/PRO/07,  
dated August 2021  
26/PRO/03 Revision A dated August 2021  
ONG/26/LP dated September 2022  
Design and Access Statement  
Preliminary Ecological Appraisal and Preliminary Roost Assessment
  
- 2 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.  
  
The applicant sought formal pre-application advice which was provided. Unfortunately the submitted scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.
  
- 3 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

We believe that your development is liable for CIL. The Mayor of London adopted a

CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is 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.

The assumed liable party will be sent a 'Liability Notice' providing full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the original applicant for permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice; also available from the Planning Portal website.

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; 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 any appeal being allowed, please contact us: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

#### Relief or Exemption from CIL

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. Residential Annexes or Extension: 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

[www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil) for further details on exemption and relief.

## **OFFICER'S ASSESSMENT**

The application has been called to committee by Councillor Cohen with the reasoning being that the proposal is in keeping with the other properties along the street.

### **1. Site Description**

The application site relates to a two-storey, detached dwelling which is situated on the northern side of Portsdown Avenue. The surrounding area is residential in character, comprising of predominantly detached properties. The site is located within the Golders Green ward.

The site is not located within a conservation area and is not subject to any other relevant restrictions.

### **2. Site History**

#### **Planning**

Reference: 21/8377/QCJ

Address: 26 Portsdown Avenue, London, NW11 0NG

Decision: Pre-application advice issued

Decision Date: 16 September 2021

Description: Part single storey and part two storey rear and side extension, new roof and additional front bay.

#### **Enforcement**

No planning enforcement history.

### **3. Proposal**

The proposal relates to the demolition of the existing house and the erection of a new 2 storey, 7-bedroom house with mansard roof (including the retention of the two storey wall and chimney stacks on the boundary with no. 28 Portsdown Avenue), along with associated refuse storage and off-street parking.

To the front elevation, the existing two-storey bay window would be retained and mirrored on the other side too. The width of the property would be increased from 9.2 metres

(excluding the single storey side garage) to 10.5 metres, retaining a gap of 1.5 meters between the host property and the neighbouring property at no. 24 Portsdown Avenue.

Towards the rear at ground floor level, the property would be increased in depth with a 4.9 metre deep projection beyond the existing rear elevation, with 2no. bay windows measuring a further 1.1 metres. At first-floor level the property would be increased in depth by 3 meters, with double bay windows of 1.1 metre depth.

The proposed mansard roof would maintain the same height as the ridge of the existing roof and would feature inverted dormers to the side and rear roofslopes.

Internally, the proposed dwelling would provide a study, 2no. WC's, a dining and living area and an open plan kitchen combined with a dining area and a children's play area, at ground floor level. At first-floor level the property would contain 5no. bedrooms, with 2 bedrooms benefitting from en-suite bathrooms, and a utility/laundry room. At loft level the property would contain a study, a bathroom and 3no. bedrooms with one of the bedrooms featuring an en-suite.

The proposal includes some soft landscaping to the front of the property and proposed provision for 2no. car parking spaces within the forecourt.

The refuse and recycling store would be located behind the side fence to the side of the property.

#### **4. Public Consultation**

49 consultation letters were sent to neighbouring properties. No responses have been received.

#### **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 20th July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefit

###### The Mayor's London Plan 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous 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 Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. 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.

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, DM03, DM04, DM08, DM16, 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

Residential Design Guidance (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

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

The main issues for consideration in this case are:

- Principle of development
- Whether harm would be caused to the character and appearance of the street scene and locality
- Whether harm would be caused to the living conditions of neighbouring residents
- Whether the proposal would provide adequate amenity for future occupiers
- Parking and Refuse
- Impact on bio-diversity
- Accessibility and Sustainability

### **5.3 Assessment of proposals**

#### Principle of development

The National Planning Policy Framework (NPPF) encourages the provision of more housing and states that applications should be considered in the context of the



presumption in favour of sustainable development. Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed provided that it is not of high environmental value.

The proposal to demolish the existing building, which has no particular designation, and erect a replacement building is considered to be acceptable in principle, subject to the below considerations.

#### Impact on the character of the area

The NPPF states that 'in determining applications, local planning authorities should take account of the desirability of new development making positive contribution to local character and distinctiveness.'

The Borough has an attractive and high-quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), D1, D3 and D4 (both of the London Plan). All proposed developments should be based on an understanding of the local characteristics, preserving or enhancing the local character and respecting the appearance, scale, mass and height of the surrounding buildings, spaces and streets in accordance with DM01 of the Development Management Policies DPD (2012).

Paragraph 6.6 of the Councils Residential Design Guidance (2016) SPD states, "the design and layout of new development should be informed by the local pattern of development. The continuity of building lines, forecourt depths, road layout, space about the building and rear garden areas are all likely to be significant factors when redeveloping sites within existing residential areas, or at the interface of larger development sites and existing housing".

Although the proposal relates to the demolition and rebuild of the host property it is considered that the same principles apply as set out in the Residential Design Guidance SPD in relation to extensions.

The Residential Design Guidance SPD also sets out that 'large, front extensions will not normally be permitted because of their effect on the street scene and character of the area in general' and where they are considered acceptable, they should reflect the existing roof form and fit in with the architectural style of the house'.

It has been noted that the predominant property style along Portsdown Avenue is a two-storey detached property which features a two-storey front bay projection. It has been noted that there is a group of semi-detached properties towards the eastern side of Portsdown Avenue which feature symmetrical two-storey front bay windows.

By reason of overall size and design it is considered that the proposed two-storey front extension would cause significant harmful impact to the character of the host property as well as the street scene. The proposed two-storey front bay window is considered to conflict with the existing architectural style of the dwelling and the predominant style of detached properties along Portsdown Avenue.

The Residential Design Guidance SPD states that the depth normally considered acceptable for single storey rear extensions to detached properties is 4 metres. It also sets out that two-storey rear extensions should not exceed a depth of 3 metres where they are within 2 metres of the side boundary.

The proposed ground floor rear element would have an overall depth of 6 meters and the first-floor rear extension would have an overall depth of 4.1 meters. By reason of overall size and depth it is not considered that the part single, part two-storey rear extension would appear as a subordinate or harmonious addition. It is considered that this element of the proposal would appear bulky and incongruous and would harm the character of the host property as well as the surrounding area. It is not considered that larger rear extensions are characteristic of properties along the northern side of Portsdown Avenue.

Moreover, mansard roof extensions are not characteristic of the properties along Portsdown Avenue. The proposed mansard roof, by reason of overall size and pitch is considered to constitute a bulky and top-heavy design that would not harmonise with the design of the property or be in keeping with the street scene along Portsdown Avenue.

In conclusion, it is considered that the design of the proposed property would have a detrimental impact to the character of the surrounding area, contrary to Policy DM01.

#### Impact on the amenities of neighbours

Policy DM01 states that 'development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users'.

The Residential Design Guidance SPD states that proposals should be designed to ensure the provision of sufficient privacy, minimisation of overlooking between surrounding dwellings and orientation of buildings to maximise sunlight and daylight.

The neighbouring property at no. 28 Portsdown Avenue does not benefit from any rear extensions but does benefit from an outbuilding which is located along the shared boundary. Given the location of the neighbouring outbuilding it is not considered that the ground floor projection at the host property would harm neighbouring amenity. At first-floor level to the rear, the proposed dwelling would project beyond the neighbouring rear wall by 3 metres, with an overall projection of 4.1 meters when including the bay windows. Given that a gap of 2.8 meters would be retained between the host property and the neighbouring property at no. 28 it is not considered that the first-floor projection would cause significant harmful impact in terms of appearing overbearing or causing significant levels of loss of light or outlook.

It has been noted that the neighbouring property at no. 24 Portsdown Avenue features a single storey rear extension, which is set in from the shared boundary by approximately 2.6 metres. Given that the main bulk of the proposed single storey rear projection, without the bay windows, would project beyond the neighbouring main rear elevation by 4.9 meters, it is considered that it would cause adverse impact to neighbouring amenity in terms of appearing overbearing and causing significant levels of loss of light and outlook. At first-floor level the main bulk of the proposed property would project beyond the neighbouring rear wall by 3 metres and by 4.1 metres when including the bay windows. There would be a gap of 1.5 meters between the flank walls of the host property and the neighbouring property and it has been noted that the neighbouring property at no. 24 is set at a higher level than the host property. Therefore, on balance, it is considered that the proposed first-floor rear projection would not unduly impact upon neighbouring amenity in terms of appearing overbearing or causing significant levels of loss of light or outlook.

It is not considered that the proposed mansard roof extension would harm neighbouring

amenity. Although the proposed inset dormers to the side roofslopes are not proposed to be obscure-glazed, given that neither of the neighbouring properties features side dormers it is not considered that this element of the proposal would give rise to overlooking or significant levels of loss of privacy.

Taking all of the above into account it is considered that the proposal would not be in accordance with Policy DM01 in terms of its impact on the residential amenities of the occupiers of 24 Portsdown Avenue.

#### Impact on amenity of future occupiers

All residential development is expected to comply with the minimum space standards as set out in the Sustainable Design and Construction SPD (adopted 2016) and the London Plan 2021.

Table 3.1 of the London Plan states that the minimum space standards for a 6 bedroom 8 person dwelling across 3 storeys is 138sqm, with 4m<sup>2</sup> of built-in storage, which is the highest level of occupancy that the minimum space standards relates to. Plans indicate the proposal would provide 7 bedrooms, with every bedroom proposed being sufficient in size to be a double bedroom, however, there are no minimum space standards for such a configuration. In any event, the total floor area of 238.8sqm would provide a very good level of living accommodation for future occupiers.

Table 2.2: Internal layout and design requirements as set out in Barnet's Sustainable Design SPD (Oct 2016) sets out that bedrooms should meet the following requirements:

- Single bedroom: minimum area should be 7.5m<sup>2</sup> and should be at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5m<sup>2</sup> and the room should be at least 2.75m wide

The proposed dwelling would meet the space standards and the proposed bedrooms are also of a sufficient size.

Barnet's Sustainable Design SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and that bedrooms and living rooms/kitchens should have a reasonable outlook with clear glazed windows.

The first-floor bedrooms would all feature bay windows which are considered to provide sufficient outlook and light into the rooms. At loft level the proposed bedrooms and study would be served by inset dormers which are also considered to provide adequate outlook and light. Moreover, it is considered that sufficient glazing has been provided to the habitable rooms at ground floor level.

The Sustainable Design SPD sets out that 'Outdoor amenity space is highly valued and suitable provision will help to protect and improve the living standards of residents as well as contribute to maintaining and enhancing the wider character of the borough'. Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible.

Table 2.3 within the Sustainable Design SPD sets out that a dwelling with up to seven or more habitable rooms should provide 85m<sup>2</sup> of external amenity space. The Sustainable Design and Construction SPD (2016) defines a habitable room as 'a room within a dwelling, the primary purpose of which is for living, sleeping or dining, including kitchens where the total area is more than 13m<sup>2</sup> (including fittings), or the dining space if it is divided from the working area by a moveable partition. Rooms exceeding 20m<sup>2</sup> will be counted as two.'

The remaining rear garden space would provide approximately 131m<sup>2</sup> of private amenity space which is considered adequate for the size of the property.

Taking all of the above into account it is considered that the proposal would provide good quality internal and external amenity for future occupiers, in accordance with Policy DM02.

#### Parking and Refuse

The site is located within a PTAL of 2 which is considered to be a poor level of connectivity. The proposal seeks to provide 2no. off-street car parking spaces within the forecourt, which Highways find acceptable. However, Highways did note that the existing vehicular access would have to be increased in width and therefore an application would have to be submitted to the Highways Crossover Team.

In accordance with Policy T5 Cycling of the new London Plan (2021), new development should provide secure, integrated, convenient and accessible cycle parking facilities. Based on table 10.2 of the London Plan, the development would require the provision of 2 cycle spaces for the residential use. The proposal does not include the provision of cycle parking, therefore, in the event of approval, a condition would be attached to provide details of cycle parking provision.

The refuse storage is being proposed behind the side gate and the plans show that the proposal would provide 2x240L bins and 2x140L bins. The property would require 1x240L refuse bin and 1x240L recycling bin which have been proposed. No further details have been provided in relation to whether the bins would be located in a bin store. It has also been noted that they have been located in front of the door leading to the study. In the event of approval, further details would be required.

#### Impact on bio-diversity

The importance of trees, ecology and landscape is recognised at every policy level, Nationally NPPF chapter 15; regionally London Plan policy G6 and locally within Barnet Council's adopted policies DM01, DM04, DM15 & DM16 all require developers to consider, trees, ecology and landscape which builds bio-diversity. In addition the following references are also considered; Circular 06/2005: Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System, ODPM, 2005, London Biodiversity Action Plan, London Plan, 2016, London Regional Landscape Framework, Natural England, 2010.

The applicant has submitted a Preliminary Ecological Appraisal and Preliminary Roost Assessment. The PEA did not report any protected or notable species at the property and the existing building was deemed to have negligible suitability for roosting bats.

The council's ecologist reviewed the reports and raised no objections on ecological grounds, and recommended conditions in the event of an approval.

#### Accessibility and Sustainability

The application scheme is required by London Plan policy D7 to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition would be attached in the event planning permission is granted to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 10% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy S1..2 of the London Plan 2021 and the 2016 Housing SPG's requirements and a condition would be attached in the event planning permission is granted to ensure compliance with the Policy.

In terms of water consumption, a condition would be attached in the event planning permission is granted 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 S1.5 of the London Plan 2021.

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

#### **5.4 Response to Public Consultation**

N/A

#### **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 proposed development incorporating a new two storey dwelling, by reason of its size, design and bulk, would result in an uncharacteristic development which would harm the character of the street scene along Portsdown Avenue. The property would also create adverse impact to the neighbouring amenity at no. 24 Portsdown Avenue in terms of appearing overbearing and causing significant levels of loss of light and outlook. The proposal is contrary to Policies D3 and D6 of the London Plan (2021), Policy DM01 of the Development Management Policies Development Plan Document (September 2012), Policy CS5 of the Local Plan Core Strategy (September 2012), and contrary to the Local Plan Supplementary Planning Document Residential Design Guidance (2016) and Sustainable Design and Construction SPD (2016).



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**Location** 67 Westbury Road London N12 7PB

**Reference:** 22/0932/FUL

Received: 22nd February 2022

Accepted: 7th March 2022

**Ward:** West Finchley

Expiry 2nd May 2022

AGENDA ITEM 12

**Case Officer:** John Sperling

**Applicant:** Mr Mohammed Ibrahim

**Proposal:**

Erection of a two storey dwelling with rooms in the roofspace following demolition of the existing conservatory and garage. Associated refuse/recycling, cycle store and off-street parking (AMENDED DRAWINGS).

### **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:

Y1041/2021/01 dated June 2022

Y1041/2021/02 dated June 2022

Y1041/2021/03 dated June 2022

Y1041/2021/04 dated June 2022

Y1041/2021/05 dated June 2022

Y1041/2021/06 dated June 2022

Y1041/2021/07 dated June 2022

Y1041/2021/08 dated June 2022

Y1041/2021/09 dated June 2022

Y1041/2021/10 dated June 2022

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(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.

- 4 a) Before any site works, (including any temporary enabling works, site clearance, removal of existing vegetation, demolition or any investigative works referred in any other conditions, or development) hereby permitted commences, the applicant shall submit for approval details of measures to secure biodiversity enhancement on the site in accordance with guidance set out within BS42040:2013: Biodiversity - Code of practice for planning and development, and guidance documents provided by the Chartered Institute of Ecology and Environmental Management (CIEEM) and the Royal Town Planning Institute (RTPI) for approval.

b) The development shall be implemented in full accordance with details approved under this condition.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Section 197 of the Town and Country Planning Act 1990 in accordance with Policy DM16 of the Local Plan Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy G6 of the London Plan (2021)

- 5 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse



bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

6 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 T5 and Table 10.2 of The London Plan (2021) 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.

7 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement in carbon dioxide emissions of a minimum of 10% 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 SI 2 of the London Plan 2021.

8 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 SI 5 of the London Plan 2021

- 9 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 D7 of the London Plan (2021).

- 10 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 Class of Part 1 of Schedule 2 of that Order shall be carried out within the curtilages of the dwellings hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers and the character and appearance of the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 11 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.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of 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, noise 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 SI 1, SI 7, D14 and T7 of the London Plan 2021.

- 12 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reasons: In the interest of good air quality in accordance with London Plan policies 5.3 and 7.14.

- 13 Prior to occupation of the development the proposed parking spaces within the parking area as shown in drawing nos. Y1041/2021/09 and Y1041/2021/10 submitted with the planning application and the access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all time. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason

To ensure that the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced 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.

- 14 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 08:00 hours or after 13:00 hours on Saturdays, or before 08:00 hours or after 18:00 hours on any other day.

Reason: To protect residential amenity.

- 15 No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan and a method statement detailing precautions to minimise damage to trees 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. 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.

**Informative(s):**

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

We believe that your development is liable for CIL. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022

(<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

- 3 The applicant is reminded that any subsequent application to improve or change the front boundary must not harm or impact on the health and well being of the TPO oak. A design along with a detailed construction method statement supported with advice from an arboriculturist that does not impact on the oak tree must be submitted. No changes to the front boundary can be made until such detail has been submitted and approved by the LPA.
- 4 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licences please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email [highwayscorrespondence@barnet.gov.uk](mailto:highwayscorrespondence@barnet.gov.uk)
- 5 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works.

The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail [highways.development@barnet.gov.uk](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 6 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 7 Any external lighting provided must be installed in accordance with guidance with the Bat Conservation Trust Bats Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series.
- 8 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrub 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 Biosecurity, 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."

- 9 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense. In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged. Please Note: A maximum width of a crossover allowed from a public highway is 4.2 meters. Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW. Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.
  
- 10 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
  
- 11 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site is located to the west side of Westbury Road opposite the junction of Westbury Grove, in the West Finchley ward. To the north of the site is a footpath which links Westbury Road to the Dollis Valley Greenwalk to the rear of the site. The application site is not within flood zone 2 or 3.

The existing property on site is a two-storey semi-detached residential property. The site benefits from a conservatory to the rear, detached garage to the side and off street front parking. The host site is not located in a conservation area, nor are there any listed buildings on or adjacent to the host site.

### **2. Relevant Site History**

Reference: 20/2562/HSE

Address: 67 Westbury Road, London, N12 7PB

Decision: Approved subject to conditions

Decision Date: 7 August 2020

Description: Single storey rear extension. Roof extension involving hip to gable, rear dormer windows, Juliet balcony and 2no front facing rooflights. New front door. Associated refuse/recycling store

Reference: 20/5045/FUL

Address: 67 Westbury Road, London, N12 7PB

Decision: Refused

Decision Date: 8 January 2021

Description: Erection of a detached two storey dwelling following demolition of the existing garage

Appeal allowed: 02.12.2021

Reference: 21/3054/HSE

Address: 67 Westbury Road, London, N12 7PB

Decision: Approved subject to conditions

Decision Date: 7 September 2021

Description: Two storey side extension following demolition of the existing conservatory

Reference: 21/4603/HSE

Address: 67 Westbury Road, London, N12 7PB

Decision: Approved subject to conditions

Decision Date: 5 November 2021

Description: Single storey rear extension. Creation of basement room under the rear extension

Reference: 22/0493/192

Address: 67 Westbury Road, London, N12 7PB

Decision: Lawful

Decision Date: 18 March 2022



Description: Erection of a rear outbuilding

Reference: 22/1082/CON

Address: 67 Westbury Road, London, N12 7PB

Decision: Refused

Decision Date: 26 April 2022

Description: Submission of details of conditions 3 (Materials), 6 (Cycle Storage), 8 (Water Saving and Efficiency Measures), 9 (Accessibility and Adaptability Measures) and 10 (Carbon Dioxide Emission Reduction Measures) pursuant to appeal decision APP/N5090/W/21/3274402 dated 02/12/21 (planning reference 20/5045/FUL)

Reference: 22/2894/CON

Address: 67 Westbury Road, London, N12 7PB

Decision: Pending Decision

Decision Date: No Decision Made.

Description: Submission of details of conditions 3 (Materials) 5 (Tree protection plan) 6 (Cycle/refuse/recycling storage) 8 (Water saving) 9 (Accessibility and adaptability) 10 (CO2 emission) pursuant to planning permission 20/5045/FUL dated 02/12/2021

### **3. Proposal**

This application seeks approval for the 'Erection of a two storey dwelling with rooms in the roofspace following demolition of the existing conservatory and garage. Associated refuse/recycling, cycle store and off-street parking (AMENDED DRAWINGS).'

The proposed dwelling would be separated from the existing dwelling houses onsite by a 90cm gap, infilling the existing area of amenity to the side of the dwelling along the asymmetric boundary line.

The property is a detached 3 bedroom, 5 person dwelling with a total GIA of 108.9sqm.

The dwelling would measure a depth of 8.2 metres, width of 8.8 metres at its widest point and 5.4 metres at the narrowest point. The property would benefit from an eave height of 5.5 metres and maximum height of 8.6 metres.

The proposal would benefit from a gabled roof design with 3no front facing rooflights and a rear dormer window which measures a height, depth and width of 1.5 metres, 2 metres and 3.1 metres respectively.

The dwelling would project further in width at ground floor, stepping back at first floor appearing as a single storey side projection with mono-pitched roof. The proposed dwelling would feature hardstanding paving to the rear with steps leading to the area of private amenity space measuring approx. 55.4m<sup>2</sup>. The application proposes a mix of hardstanding and landscaping to the front of the site and parking provision for 2no vehicles.

It is noted a previously granted scheme relates to the application site, which was approved at appeal under appeal reference number APP/N5090/W/21/3274402. The scheme is noted to deviate from previously approved scheme only with the addition of 3no. front rooflights, a rear dormer window and increased outdoor amenity space by 15sqm. Apart from these changes, the current scheme is similar to the previously allowed appeal scheme.

#### **4. Public Consultation**

Consultation letters were sent to 25 neighbouring properties

28 objections received originally. The objections may be summarised as follows:

- Harmful impact to character of the wider area
- Close proximity to public footpath
- Design and appearance of the proposed development
- Damage to front TPO tree
- Poor conditions because of construction works
- Long period of works
- Overdevelopment of the site
- Development is a flood risk from Dollis Brook
- LPA made correct decision with previous application
- Erection of new boundary fence on public land
- Increased parking pressure

Following amendments to the original drawings, a 14 day reconsultation was issued to the consultations. 24 objections were subsequently received. These comments may be summarised in the following manner:

- Amended development still unacceptable
- Recently felled tree
- Previous objections still stand
- Harmful character impact
- Adjusted boundary to encroach on public land
- Inadequate garden space
- Plot is awkwardly shaped
- Proposal not consistent with surrounding properties
- Impact to nearby trees
- High flood risk
- Length of time of construction works and during unsociable hours
- Poor parking
- Fails to comply with the West Finchley Neighbourhood Plan 2020 -2035.

A total of 52 objections have been received.

#### **. Internal Consultation**

Following receipt of the amended drawings the Highways department finds no objection subject to conditions via email dated 13/05/2022 at 19:16.

The Environmental Health department raised no objections subject to further information provided by way of condition.

#### **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 20 July 2021. 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, DM07, DM08, DM17.

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.

### Barnet's Local Plan (2012)

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. 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.

### Supplementary Planning Documents

#### Residential Design Guidance SPD (2016)

- Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. 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 developments 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 it states that developments 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 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

#### West Finchley Neighbourhood Plan 2020 -2035.

### Supplementary Planning Documents

#### Residential Design Guidance SPD (adopted 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 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:

- Impact on the character and appearance of the area;
- Impact on the amenities of neighbouring occupiers;
- Provision of suitable accommodation for future occupiers;
- Impact on Highways
- Refuse and Recycling
- Accessibility and Sustainability

## **5.3 Assessment of proposals**

### Impact on the character and appearance of the area

Policy CS5 of Barnet's Core Strategy DPD (2012) states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design.

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states in point b: "Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets."

Barnet's Local Plan Supplementary Planning Document: Residential Design Guidance SPD (October 2016) provides more detailed residential design guidance issues relevant to Barnet such as local character, density, built form, car parking and amenity space standards connected with new build development. Through these changes the SPD sets out the local priorities for protecting and enhancing Barnet's character.

The planning inspector's report, under reference number APP/N5090/W/21/3274402, made following the LPA's original assessment to refuse 20/5045/FUL, which relates to the

addition of a single family dwelling in the same area in question, provided the following assessment on the impact on character grounds:

"Westbury Road is a residential street within a suburban location. Housing consists of a variety of styles but predominantly consists of semi-detached housing, many of which with projecting two-storey bay windows. The pattern of development around the appeal site is relatively close-knit, with several local examples of extensions above garages resulting in limited gaps being retained between built form. Development becomes more dispersed to the northeast of the site where detached housing is more prevalent and gaps between dwellings increase. The appeal site is a parcel of land that is enclosed by frontage hedging and contains a side garden and single garage. The site is adjacent to a wide access route into Dollis Valley Greenwalk. The site's host dwelling, and the space around it, make a positive contribution to the character and appearance of the area.

The proposed dwelling would be located to the side of the existing dwelling. It would incorporate design features evident within the host building, including a two-storey bay window, a similar window design and porch. It would also follow the established front building line and the scale of neighbouring development. The proposal would be a two-storey form, with a single storey element to its side that follows the alignment of the side boundary. Therefore, the proposal would be a conventional shape, despite its non-uniform alignment to the side boundary. The proposal would not contribute to the formation of a terrace as it would retain a gap, enabling it to accord with the spacing of many local dwellings.

The site makes a contribution to the gap formed by the access to the park. However, this contribution is limited due to the presence of existing landscaping and built form and the site's relatively narrow width. The access footpath into the park runs through the middle of a grassed parcel of land, on a gradual gradient down into the main area of the park. Views along the path take in existing built form. Buildings do not especially crowd the gap despite the existing proximity of No 65 to its boundary. The main mass of the proposal would be partially set away from the side boundary, presenting some sense of separation to the green route into the park. The proposed dwelling would therefore not be dominant or overbearing from this vantage. Although, views of the adjacent open gap would be reduced from the street and Westbury Grove, this effect would be marginal and not demonstrably harmful. As a result, the proposed dwelling would integrate well with the local pattern of development and complement the character and appearance of the streetscene and wider locality.

Accordingly, the proposal would satisfy policy CS5 of the Barnet Core Strategy (2012)(CS), policy DM01 of the Barnet Development management Policies DPD (2012)(DPD) and the Council's Residential Design Guidance SPD (2016). These policies, among other matters, seek development that is based on an understanding of local character and to create buildings of high-quality design."

It is noted that the current application differs from the previously allowed scheme (at appeal) by virtue of the proposed property including habitable rooms in the roofspace with a subordinate rear dormer window and 3no front facing rooflights. Officers requested amendments to this element of the scheme to ensure the proposal was less than half the width and height of the rear roofspace and centrally positioned therein. With regards to the streetscene, it is noted that the element would be visible although is subordinately and sympathetically scaled to not appear overly dominant. It is noted that similarly sized and larger rear dormer windows are situated within the wider area. As such, by virtue of its subordinate nature the impact to the character and appearance of the proposed property

and wider area is considered acceptable.

To account for the increased internal floor space the proposed outdoor amenity space area was increased to accommodate for this change and is policy compliant (as shown in the latter section of this report). The Inspector notes:

"although the rear garden would be small in comparison to neighbouring dwellings, it would be of sufficient size to provide for the day-to-day needs of future occupying families."

This perspective remains unchanged as the garden space standard has been met.

Objections have stated that the proposed development would conflict with West Finchley Neighbourhood Plan 2020 -2035. The proposed development is consistent with the prevailing residential character of Westbury Road. The appeal site is not mentioned within the Plan and officers consider that the proposal does not contradict the Plan policies. It is noted that the appeal decision was made after the adoption of the Plan and should be afforded significant weight in the consideration of this application.

As such, it is considered that the proposed development would not result in a deleteriously harmful impact to the character and appearance of the host site, street scene and wider locality and thus complies with the policies and expectations outlined in Policy DM01.

It is considered that it does not conflict with the policies in the adopted neighbourhood plan.

#### Impact on the amenities of neighbouring occupiers

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan policy D6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

With regards to the impact on neighbouring amenity, the previous application was found acceptable, the officer report stating:

"With regards to the provision of 1no new dwelling to the land adjacent the site, it is not considered that the comings and goings of one additional dwelling within this location would result in adverse impacts on the amenity of adjacent occupiers above and beyond that already present with the site and surrounding uses.

The proposed new dwelling would be located between the existing dwelling and a public right of way which leads to Dollis Brook Greenwalk. Given the position of the proposed new dwelling house, it is not considered that the proposal would appear overbearing or visually intrusive when viewed from any neighbouring property or would harm the privacy of the occupants of any neighbouring property."

It is not considered that the additional rear dormer window and 3no front rooflights would introduce an unacceptable level of harm to the surrounding neighbouring residents by virtue of numerous other rear dormer windows being insitu.

As such, it is considered the proposed development will not result in an unacceptable loss of amenity to any neighbouring occupiers and is therefore compliant with policy DM01 of Barnet's Local Plan.

### Provision of suitable accommodation for future occupiers;

Section 8.4 of Barnet's Local Plan SPD: residential design guidance states: "in designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides reasonable level of privacy".

In addition to this, section 2.4 of the SPD for sustainable design and construction states that "the impact of development on the availability of daylight / sunlight and privacy to the occupants of existing buildings and the occupants of new development is strongly influenced by design and contributes significantly to the quality of life. The amount of daylight available in buildings enhances people's quality of life and reduces energy use. The Mayor's Housing SPG standard 5.5.2 recommends that development should preferably have direct sunlight in living areas and kitchen dining spaces and all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Overheating should be considered when designing for sunlight".

#### Space standards:

The proposed dwellinghouse would contain 3 no. bedrooms with maximum occupancy of 5 people with habitable rooms in the roofspace.

In accordance with D6 of the London Plan (2021) the proposed development should be of a high-quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose. Housing developments are required to meet the minimum standards, as laid out in Table 3.1 of the London Plan.

The proposed development is required to provide 99sqm of internal floor space. The proposal would provide 108.9sqm of internal floor space, thus exceeding this requirement.

The proposed double bedroom (loft level) would exceed the requirement of measuring 11.5 sqm and would measure more than 2.75 metres in width.

The proposed single bedrooms (first floor bedrooms) would exceed the requirement of measuring 7.5 sqm and would measure more than 2.15 metres in width.

#### Floor to Ceiling Height:

The London Plan 2021 states that a minimum ceiling height of 2.5 metres is required for at least 75% of the gross internal area of a dwelling. The proposed dwelling is compliant with the above standard.

#### Outdoor Amenity Space:

The Sustainable Design Construction SPD highlighted the importance of good quality amenity space. Section 2.31 highlights that 'outdoor amenity space is highly valued and suitable provision will help to protect and improve the living standards of residents as well as contribute to maintaining and enhancing the wider character of the borough. Residential units with insufficient garden or amenity space are unlikely to provide good living conditions for future occupiers.



55 sqm of amenity space would be required. Approximately 55.4 sqm of private rear amenity space would be provided by the proposal, and therefore meets the requirements laid out in Table 2.3 of Barnet's Sustainable Design and Construction SPD.

#### Lighting:

Barnet Council's Sustainable Design and Construction SPD under section 2.4 'Daylight, Privacy (minimum distance), Outlook and Light Pollution' highlights the need for development proposals to ensure that the availability of daylight/sunlight for new developments is adequate and contributes significantly to the quality of life of future occupiers.

Within the design principles section, the SPD highlights that all glazing to habitable rooms should normally not be less than 20% of the internal floor area of the room.

Overall it is considered the proposed lighting would be acceptable, positively contributing to the amenity of future occupiers.

#### Outlook:

The London Plan Housing Supplementary Planning Guidance notes that units should demonstrate that all habitable rooms and the kitchens are provided with adequate privacy and daylight and that the orientation enhances amenity, including views. Furthermore, the Mayors Housing Supplementary Planning Guidance outlines that units must demonstrate that adequate privacy, daylight and orientation including views are adequate for habitable rooms.

The proposed outlook is considered acceptable.

Overall, the proposal is considered to provide an acceptable standard of accommodation for future residents.

#### Traffic, parking, cycle parking and refuse/recycling

##### Traffic/parking:

The LPA's highways department provided the following amended information request which was received and reviewed in the lifetime of the application:

The site is in a Public Transport Accessibility Level (PTAL) score of 2 which means that there is poor public transport accessibility to and from the site. The site is not situated within Controlled Parking Zone. Bus route 326 can be accessed within 5 minute walking distance of the site and the nearest tube station is West Finchley Tube station which is 7 minutes distance from the site.

##### ASSESSMENT OF PARKING PROVISION:

According to the Parking Standards as set out in Barnet Council's Local Plan Development Management Policy DM17, the range of vehicular parking spaces which would need to be provided as part of the proposed development is between 1.5 and 2 parking spaces.

The provision of 2 car parking spaces on site is as per the residential parking requirements of DM17 policy and is acceptable on highways grounds. As per the PTAL rating of the site being 2, 2 no off-street car parking spaces will be acceptable on highways

grounds if swept path drawings are provided to ensure safe entry and exit to the site.

Please also note that the visibility spays will need to be provided for safety reasons when vehicles are entering and exiting the site, as the site is situated close a bend.

#### CYCLE PARKING:

Please note that cycle parking and cycle storage facilities should be provided in accordance with the London Borough of Barnet's Local Plan, in the interests of promoting cycling as a mode of transport. The proposed development will need to provide 2 cycle parking spaces in accordance with the 2021 London Cycle Parking Standards. The applicant has not proposed to provide cycle parking spaces, hence revised drawings are recommended to view.

Design details for the cycle parking spaces and the storage facilities will need to be provided in accordance with the London Cycling Design Standards (LCDS).

#### REFUSE COLLECTION ARRANGEMENTS:

The refuse store requires to be lockable, secure and enclosed. Refuse collection points should be located within 10 metres of the Public Highway.

According to the plans submitted along with the planning application, the applicant has not proposed to provide a bin store, which is not located within 10 meters of the public highway. Revised drawings are requested to view.

#### VEHICULAR AND PEDESTRAIN ACCESS ARRANGEMENTS:

The applicant has not presented details of the vehicular crossover in the proposed ground floor plans. Please note that only 4.2 metres which is the maximum width allowed by the Council's Domestic Vehicle Crossover Policy adopted in April 2019 in order to enable safe access and egress taking place to and from the site.

Please note that the Council's Domestic Vehicle Crossover Policy adopted in April 2019 allows crossovers of 2.4-metre minimum width and 4.2-metre maximum width with a minimum distance of 2.4 metres between adjacent crossovers.

The new Policy also requires that the location of a boundary wall, fence or hedge needs to be within 0.6 metres of the edge of the crossing to prevent vehicles entering their frontage from overriding the adjacent footway.

#### RECOMMENDATION:

Further information is requested as per below;

Revised car parking layout with swept path drawings of the 2no car parking spaces accommodated in the forecourt.

Confirmation needed on the proposals made for the vehicular access, presenting clear dimensions in meters.

Location of the bin store and the cycle store is requested in the new revised ground floor plan drawings.

Amended drawings were received and confirmed by the Highways department to be acceptable.

## Accessibility and Sustainability

Conditions would be attached to any permission to ensure the integration of water saving and efficiency measures insofar as a maximum of 105 litres of water consumption per person per day to comply with Policy S1 5 of the London Plan (2021) and a reduction of CO2 emissions in accordance with the requirements of Policy SI 2 of the London Plan (2021).

### **5.4 Response to Public Consultation**

28 objections received originally. The objections may be summarised as follows:

- Harmful impact to character of the wider area
- Proximity to public footpath
- Overdevelopment of the site
- Design and appearance of the proposed development

The impact on character grounds is considered acceptable and is supported by the recent appeal decision and must be considered as a material consideration in the assessment of the scheme.

- Damage to front TPO tree

No harm is anticipated to take place, as per Arboricultural Report.

- Poor conditions because of construction works
- Long period of works
- Development is a flood risk from Dollis Brook

Having consulted Environment Agency flood risk information, a small portion of the site falls within Flood Zone 2. The remaining portion of the site within Flood Zone 1. Given the ascending level change from Dollis Brook to the site the impact is not considered at harm to the development in question. Approval for the outbuilding was granted via a permitted development application which is insitu and does not account for flood risk.

- LPA made correct decision with previous application

The LPA's decision was overturned by the Planning Inspector.

- Erection of new boundary fence on public land

The submitted information indicates that no alterations to the boundary is taking place. The LPA's Enforcement department will be consulted.

- Increased parking pressure

The Highways department have confirmed that the amended information indicates that no materially harmful impact will take place in this regard.

Following amendments to the original drawings, a 14 day reconsultation was issued to the consultations. 24 objections were subsequently received. These comments may be summarised in the following manner:

- Amended development still unacceptable
- Recently felled tree
- Previous objections still stand
- Harmful character impact
- Adjusted boundary to encroach on public land
- Inadequate garden space

The proposed outdoor amenity space would comply with the relevant requirements.

- Plot is awkwardly shaped
- Proposal not consistent with surrounding properties
- Impact to nearby trees
- High flood risk
- Length of time of construction works and during unsociable hours

- Poor parking
- Fails to comply with the West Finchley Neighbourhood Plan 2020 -2035.

It is noted that the similar development footprint was approved at appeal, which now forms the basis of the current recommendation to approve the scheme. The LPA acknowledges the frustration of the local residents who have been affected by the development works and have objected to the scheme. However, having assessed the material considerations, given the minor changes compared to the appeal scheme, the amended proposal is considered acceptable, subject to conditions.

## 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, the proposed development is recommended for APPROVAL, subject to conditions.



**Location** **Marston Court Mays Lane Barnet EN5 2EG**

**Reference:** **22/4044/FUL** Received: 5th August 2022 **AGENDA ITEM 13**  
Accepted: 8th August 2022

Ward: Underhill Expiry 3rd October 2022

**Case Officer:** **Zakera Matin**

Applicant: Mr Nagle

Proposal: Additional storeys at second and third floor levels comprising 5no self-contained flats. Associated amenity space, parking space, refuse and recycling and cycle parking

### **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:

1859.OS.001 Rev A  
1859.EX.01  
1859.EX.02  
1859.EX.03  
1859.EX.04  
1859.EX.05  
1859.EX.06  
1859.EX.07  
1859.EX.08  
1859.EX.11

1859.PP.01  
1859.PP.02  
1859.PP.03  
1859.PP.04 Rev B  
1859.PP.05 Rev B  
1859.PP.06  
1859.PP.07  
1859.PP.08 Rev B  
1859.PP.09  
1859.PP.10  
1859.PP.11  
Planning Statement

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s), including the balcony guarding, fencing and gate, 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 visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 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.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of 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, noise 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 SI 1, SI 7, D14 and T7 of the London Plan 2021.

- 5 Prior to occupation of the development, a revised parking layout plan showing the dimensions of the 2 parking spaces proposed shall be submitted to and approved in writing by the Local planning Authority. Thereafter the 2 parking spaces shall be implemented in accordance with the approved plans and shall be used only as agreed and not for any purpose other than the parking and access/turning of vehicles in connection with approved development.

Reason: To ensure that the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced 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.

- 6 Details of cycle parking including the type of stands, gaps between stands, location of cycle parking and type of store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, a minimum of 8 long stay and 2 short stay cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in The London Plan (2021) 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.

- 7 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 10% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 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), the London Plan 2021.

- 8 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 wholesome 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. Any use of grey water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

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), Policy SI 5 of the London Plan 2021 and Barnet's Sustainable Design and Construction SPD (2016).

- 9 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(1) 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 the London Plan 2021 and the 2016 Mayors Housing SPG.



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

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

#### **Informative(s):**

1 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

We believe that your development is liable for CIL. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the

Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

- 2 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 3 Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 4 If a pump lorry is to be operated from the surface of the public highway, any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
  
- 4 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses please contact the councils Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email [highwayscorrespondence@barnet.gov.uk](mailto:highwayscorrespondence@barnet.gov.uk).

## **OFFICER'S ASSESSMENT**

This case is referred to committee because of number of objections received.

### **1. Site Description**

The application site is a purpose-built development of six self-contained residential flats on the northern side of Mays Lane, close to the junction of Barnet Lane. It is not within a conservation area nor a listed building. There are no Tree Preservation Orders on site.

### **2. Site History**

Reference: 18/6383/FUL

Address: Marston Court, Mays Lane, Barnet, EN5 2EG

Decision: Approved subject to conditions

Decision Date: 4 December 2018

Description: Additional storey to provide 3 new no. self-contained flats with balconies/terraces. New refuse and recycling area with fence and access gate and new cycle storage.

Reference: 21/4548/FUL

Address: Marston Court, Mays Lane, Barnet, EN5 2EG

Decision: Approved subject to conditions

Decision Date: 03.08.2022

Description: Additional storeys at second and third floor levels comprising 4no self-contained flats. Associated amenity space, parking space, refuse and recycling and cycle parking.

### **3. Proposal**

The application proposes additional storeys at second and third floor levels comprising 5no self-contained flats. Associated amenity space, parking space, refuse and recycling and

cycle parking.

The proposal is slightly different from the recent approval 21/4548/FUL. The current proposal proposes end gables similar to neighbouring buildings and one additional flat at loft. The overall height remains unchanged.

Amended drawings were received during the course of the application to change the rear elevation to reduce the size of the rear balcony.

The assessment of the application is based on the amended plans.

The proposed development approved under the original permission have commenced works however the description remains as above as the units are not substantially complete.

#### **4. Public Consultation**

Consultation letters were sent to 95 neighbouring properties. Total 6 responses have been received.

The objections received on original proposal are summarised as follows:

- subsidence issue and impact on day light for no.7 Mays Lane
- existing structure was designed to cope with such stresses
- Increased parking pressure on road
- Privacy issue for no.12 Mays Lane
- Probable increased traffic, increased chance of accidents, air pollution, increased noise pollution
- four level building (4 floors) does not respect local context,
- Overlooking for no.8 Mays Lane
- Impact on drainage and ground stability

1 objection received on the amended plans as below

- Probable increase in traffic, noise from the building works, overlooking for 12 Mays lane

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

##### **5.1 Policy Context**

###### National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was updated on 20 July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote

sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

### The Mayor's London Plan 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan. 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. 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 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.

### Barnet's Draft Local Plan (Reg 22) 2021

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. 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.

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)  
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 the living conditions of future occupiers;
- Whether harm would be caused to highways network and parking;
- Whether refuse and recycling are in a suitable arrangements;
- Sustainability and Accessibility

## **5.3 Assessment of proposals**

Impact on the character and appearance of host building, street scene and wider area:

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Policy CS5 of Barnet's Core Strategy (2012) states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design.

National Planning Policy Framework (2021) states that amongst other things, planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The application building is sited close to the junction of Underhill and Barnet Lane to the east, and Vale Drive to the north. The application building is a two-storey brick-built development. The building has a pitched roof, which due to its pitch, has a relatively large front roof plane.

To the west is Stokes House, No. 11 Mays Lane which is a two-storey building with gable end pitched roof. The eaves and ridge height of No. 11 are broadly similar to that of Marston Court. Further west along Mays Lane are modest two-storey cottages which have a lower ridge height than Stokes House.

Opposite Marston Court to the north are Nos. 6 - 16 Mays Lane, which are three pairs of

two-storey semi-detached properties with pitched roofs.

To the east is Nos. 1 - 7 Mays Lane, a terrace of four three-storey dwellings. The terrace of dwellings has pitched roof with end gable and is sited at an angle in relation to Marston Court. Both the eaves and ridge height of the terrace are greater than that of Marston Court. The Potteries to the rear (on Barnet Lane) is also a three-storey building with pitched roof and gable ends.

Therefore, it is clear that there are a mix of building heights in the immediate area with Nos. 1 - 7 Mays Lane being the tallest and that pitched roof is a common feature shared by all the properties in the locality.

The proposal to add additional storey to the host building to provide 5 nos. self-contained residential flats is similar to approved scheme 21/4548/FUL dated 03/08/2022. The proposed height remains same as the approved scheme, the difference is that the current proposal includes end gables and one additional flat at loft level. The rear elevation will change from the approved to include 2 rear balconies.

Councils design officer was consulted on the original submission who informed that the end gables would be similar to the end gable of no. 11 and no.7 and would be sympathetic and would respect the character and the street scene. The original proposal proposed 2 large balcony at rear elevation to serve the loft flats. The design officer recommended these to be reduced in size. Subsequently, the proposal was amended to reduce the size of the rear balcony of the 2 loft flats.

As noted the proposed height remains same as recent approved scheme and would remain consistent with the rhythm of increasing building heights as one travels easterly along this part of Mays Lane. The proposed end gable would have a limited impact on street scene because of similar end gable feature of neighbouring property no.11 and no.7.

As the height remains same as recently approved scheme the proposal would not have any additional overbearing visual impact for residential properties No. 10 - 16 Mays Lane on the opposite side of the road.

The additional stories have been designed to reflect the fenestration arrangement, design and proportions below and is therefore in keeping with the character and appearance of the main building.

The additional balconies at rear at roof level would be similar in design as the approved ones and would be proportionate and would respect the character of the property.

Overall, it is considered that the revised proposal is sympathetic to local character, including the surrounding built environment, while increasing densities and optimising the potential of the site to accommodate and sustain an appropriate amount and mix of development, as supported by London Plan 2021 and NPPF.

Impact on amenity of neighbouring occupiers:

Policy DM01 states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The proposal would add two additional storeys to the originally built host building. It would therefore not increase the footprint of the building. The rear building line of Marston Court and Stokes House (No. 11 Mays Lane) are relatively in line. There are no side windows in No. 11 Mays Lane facing Marston Court. The proposed end gable would be sited 2.3m from the flank wall of No.11. there are no flank window proposed facing No.11. In this circumstances, it is not considered the development would appear overbearing or impact outlook to an unacceptable level for no.11.

Although rooflights facing No. 11 would be placed in the rear projection, due to the angle of rooflights, it would not cause an unacceptable degree of overlooking or loss of privacy. Rear roof terrace is proposed at the western side of the rear roof slope and would be able to overlook directly onto the rear of the plot of No. 11. However, it is observed that Stokes House has little outdoor amenity space as much appears to be hardstanding and parking. As such, it is considered the overall impact on the amenities of No. 11 to be acceptable in this instance.

The rear building line of Marston Court and No. 7 Mays Lane are relatively in line despite at an angle with each other. There are side windows in No. 7 Mays Lane facing the host building. It was confirmed verbally in the previous permission ref: 18/6383/FUL by the occupier of No. 7 Mays Lane that these windows serve a staircase. It therefore does not serve a habitable room. The proposed end gable would be sited 4.3m to 3m from the flank wall of No. 7 Mays Lane. No flank wall window proposed facing No.7. Considering the distance, the proposed end gable and the proposed rooflights and roof terrace would not cause an unacceptable degree of overlooking or loss of privacy or overshadowing impact for No. 7.

Given that the distance between Marston Court and the three pairs of semi-detached properties on the opposite side of the Mays Lane (Nos. 6 - 16 Mays Lane) is over 21m, it is not considered that the proposal would cause any harm to the amenities of those properties in term overlooking, overshadowing and overbearing.

Quality of accommodation for future occupiers:

Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings and outdoor amenity space.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new residential accommodation. The council also has adopted SPD's (entitled Sustainable Design and Construction and Residential Design Guidance) providing more detailed guidance on a range of matters related to creating new residential accommodation in addition to the Mayors adopted SPG's (entitled Housing).

The size of the proposed flats (bedroom/bedspaces) to gross internal area are as follows:

- Flat 7: 2-bedroom 3-person = 61 sqm GIA (approved)
- Flat 8: 2-bedroom 3-person = 66 sqm GIA (approved)
- Flat 9: Studio Unit- 2-person = 62 sqm GIA (approved)
- Flat 10: 1-bedroom 2-person = 51.5sqm GIA proposed
- Flat 11: 1-bedroom 2-person = 51.5 sqm GIA proposed



The units would meet the floorspace standards set out in the London Plan and Table 2.1 of Barnet's SDC SPD (2016).

The agent has demonstrated on plans that all the flats would provide a minimum ceiling height of 2.5m for at least 75% of the gross internal area of the flat, as set out in London Plan 2021. Officers are satisfied the units would provide adequate ceiling heights. The bedroom sizes would meet the standards set out Table 2.2 of Barnet's SDC SPD (2016).

Table 2.1 of the SPD states that proposals should avoid single aspect dwellings that are north facing or exposed to noise exposure categories C & D or contain three or more bedrooms.

Flat 7 and 8 are dual aspect units. Flat 9 is a single aspect but benefits from a large glazed rear gable window and rooflights which provide open sky views. Furthermore, the rear glazed gable end is south facing, a studio unit and is not exposed to a loud noise source. Flat 10 and 11 would be single aspect but would benefit from south facing terraces which would provide adequate outlook. This unit would also receive sufficient daylight and sunlight through skylights and south facing glazing.

Table 2.3 of Barnet's SDC SPD (2016) states that flats should be provided with 5 sqm of outdoor amenity space per habitable room. It states that development proposals will not normally be permitted if it compromises the minimum outdoor amenity space standards. Each new flat would be provided with private outdoor amenity space in the form of inset balconies or rear roof terraces. Each flat would fail to meet these standards, with an under-provision. Nonetheless, Officer acknowledges there is an existing communal garden area and the existing flats do not benefit from their own balconies. It is considered that although the proposed balconies do not meet standards, they would meet the expected needs of an amenity area including the day-to-day uses such as hanging washing, external storage, relaxing etc.

Table 2.4 of the SDC SPD (2016) states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room. Flat 7 and 8 are dual aspect flats. Flat 9, 10 and 11 are single aspect but benefits from glazed rear window and terraces (which is south facing) and rooflights which provide open sky views. The proposal is considered to meet the standard.

The bedrooms and living areas would have a reasonable outlook with clear glazed windows, as stated in Table 2.4.

Table 2.4 also states that in new residential development there should be a minimum distance of 21m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5m to a neighbouring garden. No side windows are proposed (only rooflights which are at an angle). The rear glazed elevation of the unit 9, 10 and 11 would overlook the shared garden area of the Potteries to the rear, however, would be no different to the existing windows at first floor level. A neighbour has raised the issue of overlooking to the properties opposite on Mays Lane (i.e. front windows facing front windows) however, this is no different to the existing situation and is common to overlook the properties at the front across suburban streets such as this one. Notwithstanding this, according to the Council's internal GIS system, the front windows meet the 21m standard.

It should also be noted that 3 units at the second floor level was considered to be acceptable under the previously approved scheme ref: 21/4548/FUL.

Highways and parking:

Policy DM17 of Barnet's Development Management Policies Document states that the council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi-detached houses and flats (4 or more bedrooms);
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

2. Residential development may be acceptable:

- i. with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be demonstrated through a survey that there is sufficient on street parking capacity.
- ii. with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.

London Plan 2021 Policy T6 states that, "Car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity." "Car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking."

It further states that, "Outer London boroughs wishing to adopt minimum residential parking standards through a Development Plan Document (within the maximum standards set out in Policy T6 .1 Residential parking) must only do so for parts of London that are PTAL 0-1."

"Where sites are redeveloped, parking provision should reflect the current approach and not be re-provided at previous levels where this exceeds the standards set out in this policy."

Table 10.3 of London Plan 2021 provides maximum residential parking standard.

It states that all areas with PTAL 5 to 6 should be car free. For outer London area with PTAL 4 maximum parking for 1 to 2 bed units are 0.5 to 0.75 space per dwelling.

Highway Officers were consulted on the proposal. The officer informed that, the site fronts onto Mays Lane, a local distributor road. The section fronting the site is covered by 20mph speed limit zone and there are waiting restrictions and a zebra crossing in the vicinity of the site. The site lies in an area with a PTAL score of 4 (good) with access to 9 bus routes (383, 307, 107, 263, 184, 384, 234, 34 & 326) from stops within 3-7 minutes walking distance of the site. High Barnet tube station is within 6 mins walking distance of the site. The site is not in a CPZ but it is close to a CPZ that operates Mon-Fri, 2pm-3pm.

The proposal comprises additional storeys at third and fourth floor levels to provide 5 self-contained units (1xstudio, 2x1bed and 2x2bed) Based on Barnet's Policy DM17, a maximum allowable parking provision of between 2 to 6 spaces. For a site with a PTAL score of 4, Highways would accept the provision of 3 spaces. The application form indicate

that 2 new spaces are proposed which could lead to a potential displacement of 1 vehicle on-street. This level of displacement is unlikely to have a discernible impact on local parking conditions and the proposed 2 spaces are considered acceptable.

Given the low number of units proposed, the level of vehicle trip generation by the development is unlikely to be to have a noticeable network impact.

Table 10.2 of London Plan provides minimum cycle parking standard. 1 space should be provided for 1 bed and studio unit, 1.5 space for 1 bed 2 person unit and 2 spaces for all other units.

Cycle parking is to be provided in accordance with the 2021 London Plan standards which equates a minimum of 8 long stay and 2 short stay cycle parking spaces. Long stay cycle parking should be provided in a covered, secure, lockable and enclosed compound while short stay parking should be provided in a covered, sheltered and lockable environment. 3% of the cycle spaces provided should be accommodate larger bicycles. Cycle parking is proposed at the rear of the building. A condition is attached for detail for cycle storage.

Refuse storage and collection as well as other servicing arrangements will continue as existing. A new refuse store is to be installed at the rear of the property. A management will need to be put in place for the bins to be transported to a location near the roadside on collection days.

Highway has no objection subject to attached conditions.

### Sustainability and Accessibility

In terms of accessibility, Barnet policy DM03 requires developments to meet the highest standards of accessible and inclusive design. Policy DM02 requires compliance with London Plan requires 90% of new housing to meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

There would be no internal lift and therefore the new units would not comply.

London Plan 2021 in paragraph 3.7.6 states that,

"In exceptional circumstances the provision of a lift to dwelling entrances may not be achievable. In the following circumstances - and only in blocks of four storeys or less - it may be necessary to apply some flexibility in the application of this policy:

- o Specific small-scale infill developments (see Policy H2 Small sites)
- o Flats above existing shops or garages
- o Stacked maisonettes where the potential for decked access to lifts is Restricted."

The London Plan 2021 therefore acknowledges that this may be difficult to deliver in blocks of four storeys or less, such as this one, where historically the London Plan has not required lifts.

London Plan 2021 further states that, "affected dwellings above or below ground floor would be required to satisfy the mandatory building regulations requirements of M4(1) via the Building Control process."

In this particular instance this is acceptable, and a condition requiring M4(1) is attached.

In respect of carbon dioxide emission reduction, The London Plan (2021) requires 10% reduction of CO2 emission for new residential buildings. A condition is attached to address this issue.

In terms of water consumption, a condition is attached to require the dwelling is 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 (2021).

#### **5.4 Response to Public Consultation**

Whether the foundation of the existing building could withstand the addition of two-storeys and subsidence issue are not a material planning consideration but a matter for building regulation and engineering. As such, this is not addressed in this report.

All other objections have been addressed within the main body of this report.

#### **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.



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**Location** Hendon Preparatory School 20 Tenterden Grove London NW4  
1TD

**Reference:** 22/2137/FUL Received: 21st April 2022  
Accepted: 21st April 2022

Ward: Hendon Expiry: 16th June 2022

**Case Officer:** Tina Oliveira

Applicant: Cognita Schools Ltd

Proposal: Erection of a classroom following demolition of the existing sheds

### **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:

10399-00-1101 Rev S2.A Site Location Plan  
10399-00-1102 Rev S2.A Existing Block Plan  
10399-00-1103 Rev S2.A Existing Shed Elevations  
10399-00-3102 Rev S2.B Proposed Sections  
10399-00-3104 Rev S2.A Proposed Block Plan  
10399-00-3105 Rev S2.A Proposed Elevations  
Design and Access Statement

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 The materials to be used in the external surfaces of the building(s) shall match those detailed in the approved plans and documents

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 The level of noise emitted from the Mechanical Ventilation plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and D14 of the London Plan 2021.

- 5 The outbuilding/classroom hereby permitted shall not be used before 8.00 am or after 6.00 pm on weekdays and Saturdays or at any time on Sundays and Bank and Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

- 6 The use of the outbuilding/classroom hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit or dwelling.

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 7 The number of pupils on the school premises at any one time shall not exceed a maximum of 150.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.



## 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. 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 applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site is a two-storey primary school located at 20 Tenterden Grove, London, NW4 1TD. The school benefits from front and rear amenity space within the ward of Hendon.

The site is not within a conservation area (designated as Article 2(3) land in The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended) and is not within an area covered by an Article 4 direction. Furthermore, there are no conditions attached to the site which remove permitted development rights. There are no trees under Tree Preservation Orders.

### **2. Site History**

Reference: TPA 2027

Decision date: 23/12/1963

Description: Use as private School

Reference: TPA 2834

Decision date: June 1964

Description: Use as Preparatory School

Reference: W01758

Address: Hendon Preparatory School Tenterden Grove London NW4

Decision: Approved subject to conditions

Decision date: 01.08.1968

Description: Extensions and alterations

Reference: W01758A

Address: Hendon Preparatory School Tenterden Grove London NW4

Decision: Refused

Decision date: 20.06.1989

Description: Erection of single-storey temporary buildings at rear to provide new nursery school facilities with glazed canopy link to existing school.

Reason for Refusal:

1) The proposed prefabricated building, by reason of its sitting, bulk and excessive site coverage of this prominent corner plot, would detract from the residential character of neighbouring properties which comprise single family dwelling houses with private rear gardens and would be detrimental to the visual amenities of neighbouring occupiers.

2) The proposed scale of site coverage by buildings and the associated intensifications of use would, by reason of increased activity, noise and disturbance, result in an over intensive use of the site to the detriment of the residential amenity which occupiers of the adjoining properties may reasonably expect to enjoy.

3) The proposed parking spaces are unsatisfactory in that the use of the excessively wide access would cause a safety hazard to pedestrians on the adjoining footpath.

Reference: W01758B

Address: Hendon Preparatory School Tenterden Grove London NW4

Decision: Approved subject to conditions

Decision date: 20.06.1989

Description: Part two/part three-storey side extension to provide additional classrooms & ancillary facilities and provision of parking area at rear.

\*\*\*Additional Information: This consent provided for four parking slots to the rear of the school building with an access gate to Brinsdale Road.

Reference: W01758D

Address: Hendon Preparatory School Tenterden Grove London NW4

Decision: Approved subject to conditions

Decision date: 03.01.1990

Description: Single-storey rear extension to provide additional classrooms and provision of parking area at rear.

Reference: W01758F

Address: Hendon Preparatory School Tenterden Grove London NW4

Decision: Approved subject to conditions

Decision date: 03.01.1990

Description: Details of materials pursuant to condition 5 and details of landscaping pursuant to condition 6 of planning permission W01758D dated 03.01.90.

Reference: W01758G

Address: Hendon Preparatory School Tenterden Grove London NW4

Decision: Approved subject to conditions

Decision date: 15.01.1991

Description: Details of materials pursuant to condition 5, and details of landscaping pursuant to condition 6 of planning permission W01758B dated 03.01.90.

Reference: W01758H

Address: Hendon Preparatory School Tenterden Grove London NW4

Decision: Unlawful

Decision date: 26.11.1991

Description: Erection of children's play equipment (SECTION64 DETERMINATION)

Reference: W01758J

Address: 20 Tenterden Grove London NW4

Decision: Approved subject to conditions

Decision date: 18.05.1992

Description: Erection of children's' play equipment

Reference: W01758K

Address: 20 Tenterden Grove London NW4

Decision: Approved subject to conditions

Decision date: 18.05.1992

Description: Erection of 3m and 3.5m high close-boarded timber fence across rear of site and along boundary with Brinsdale Road

Reference: W01758L

Address: Hendon Preparatory School Tenterden Grove London NW4

Decision: Refused

Decision date: 02.08.1994

Description: First floor rear extension, second floor(roof) extension.

Reason for Refusal:

1)The proposed extensions by reason of their bulk, size and sitting would be visually

obtrusive and detrimental to the residential amenities of the occupiers of the neighbouring properties.

2)The proposed development by reason of increased activity noise and disturbance, would result in an over intensive use of the site to the detriment of the residential amenities of adjoining occupiers.

Reference: W01758M

Address: Hendon Preparatory School Tenterden Grove London NW4

Decision: Approved subject to conditions

Decision date: 09.09.1998

Description: First floor rear extension.

Reference: W01758N/04

Address: Hendon Preparatory School Tenterden Grove London NW4 1TD

Decision: Refused

Decision date: 30.11.2004

Description: First & second floor rear extension. Repositioning of fence to extend playground. Relocation of 3 No. sheds and resitting of bin store.

Reason for refusal:

1)The proposed extensions by reason of their bulk, size, sitting and design would be overbearing and visually obtrusive and detrimental to the visual and residential amenities of neighbouring properties.

2)The proposed repositioning of the fence bringing the playground boundary closer to properties in Brinsdale Road would by reason of noise and disturbance be detrimental to neighbouring residential amenity.

\*\*\*Additional Information: Existing plans show 3 free standing timber sheds with concreted area on either side and a new garage sited approximately in the centre along the rear side of the rear amenity space.

Reference: W01758P/05

Address: Hendon Preparatory School Tenterden Grove London NW4 1TD

Decision: Approved subject to conditions

Decision date: 28.07.2005

Description: New boundary railings facing Tenterden Grove and Brinsdale Road.

### **3. Proposal**

The application seeks approval for the erection of a classroom following demolition of the existing 2 no. sheds.

A site visit confirms that the rear amenity space is currently being used as a playground and houses two sheds, a covered play area in line with the sheds and an area for waste bins, all sited towards the rear end of this amenity space, along the boundary to houses Nos. 1, 3, 5 Brinsdale Road. The school rear amenity space has a gate which allows accesses to Brinsdale Road. However, this gate does not appear to be used as indicated on signage posted on the gate. Waste bins are lined up along this gate, on the footpath along Brinsdale Road.

The proposed works will replace two existing rear sheds with a single unit to be used as a classroom. This will also result in a reduction in the width of the existing bin area.

The site area proposed for the development has an effective width of 11.52 metres and a depth of 5.00 metres to include the two sheds and the bin area. The two adjoining sheds as existing together measure 8.77 metres in width and have a maximum depth of 4.97 metres. It is dual pitched and has a ridge height of 3.10 metres and an eaves height of 2.41 metres. The existing bin area has a width of 3.00 metres and a depth of 4.92 metres.

The proposed works will be restricted to the existing width used together by the sheds and the bins which measures as 11.52 metres.

The proposed classroom will have a flat roof, inclined towards the rear of the unit. It will measure 7.71 metres in width, 3.50 metres in depth, have a maximum height of 2.81 metres along the front elevation and a height of 2.38 metres along the rear elevation. The proposed unit will be set off from the rear boundary by 1.00 metres to allow access to the rear of the classroom. The proposed classroom will have two access doors, one located along the front elevation, towards the bin storage area, accessing the playground and the other along the side elevation, accessing the covered play area which is adjoining the proposed classroom.

The resultant bin area will be sited 0.80 metres away from the proposed classroom towards the boundary along Brinsdale Road and will measure 2.60 metres in width and 5.00 metres in depth. The bin area will be reinforced with a new wall to help aid fire prevention.

#### **4. Public Consultation**

Consultation letters were sent to 59 neighbouring properties  
5no objections received.

Concerns raised are listed as below:

- o Noise pollution due to increased number of students
- o Increased traffic chaos due to increase in student numbers
- o Litter on streets
- o Increase number of students
- o Unsafe street conditions
- o Insufficient Parking space
- o Thoughtless parking
- o Emergency services not accessible to neighbouring residents due to traffic chaos
- o Increased presence of school and future developments in neighbourhood
- o Surrounding developments have increased vehicular footprint
- o Unreliable applicant not adhering to planning consent conditions

#### **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 20th July 2021. This is a key part of the Governments reforms to make the planning system less complex

and more accessible and to promote sustainable growth.

The NPPF states that "good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...being clear about design expectations and how these will be tested, is essential for achieving this". The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

### 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. 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.

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan.

### 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, DM03, DM04, DM13

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.

### Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan.

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.

## 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, wider locality and conservation area.
- Whether harm would be caused to the living conditions of neighbouring residents.

### **5.3 Assessment of proposals**

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the site context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), D3 and D4 (both of the London Plan 2021).

Para.14.1.11 of Barnet's Development Management Policies states that: Educational uses have been highlighted by the Secretary of State for Communities and Local Government as a priority. National policy states that "Local planning authorities should: give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted."

Policy DM13 elaborates on developments related to Community and education uses and states that: New community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety. New community or educational uses will be expected to protect the amenity of residential properties.

The proposed classroom will replace the existing two sheds with a single break out classroom. The classroom is proposed to be used as an additional facility by the existing students, to enable more practical small group teaching on subjects such as nature, which would be enhanced in context with the siting of the proposed classroom. The development will be a one storey singular modular build, constructed out of treated timber with a sloped roof to match the adjacent covered play space.

The proposed works will not use any additional space than that pre-existing for the sheds. It will have a smaller footprint than the existing sheds and as such is seen to be a subordinate addition, not seen to detract from the existing character of the school. The materials used will be the same as existing and will have heights as seen acceptable.

To conclude the proposed classroom is considered subordinate in scale to the original host school building and would be in keeping with the established character, respecting the design and proportions of the school and the surrounding area. The development is therefore acceptable on the grounds of impact on character and appearance.

### **Impact on the amenities of neighbouring occupiers:**

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy D3 and D6 (of the 2021 London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

#### **Impact on No.1, 3 , 5, 7 Brinsdale:**

The rear amenity of the school is currently being used as a playground. The proposed classroom will not be used for any additional number of students from that existing - though it is acknowledged that teaching will take place closer to this boundary than is currently the case. However, in that respect - and within the context of the school as a whole - this is considered to be of modest impact during the day. The closest neighbour, from these set of dwellings being 3 Brinsdale, is set away by 7.70 metres from the proposed classroom and conditions will be attached relating to operating hours and governing the MVHR plant. As it is proposed to be used as a breakout classroom for the existing number of students, it is therefore not seen to change the existing conditions on the amenity of these neighbouring dwellings with respect to the general comings and goings of the school and associated parking demand.

#### **Impact on White House:**

The proposed classroom will be sited at a generous distance from this neighbour and is not seen to have any considerable impact on the existing amenity conditions to this neighbour.

#### **Impact on Tenterden Lodge, 1 & 1A Garrick Way:**

The proposed works are sited well away from this neighbour with Brinsdale road in between. There is not anticipated to be any detrimental impact to these neighbours on account of this. The closest neighbour from these set of dwellings, being 1A Brinsdale is set away by 20.65 metres from the proposed classroom.

### **Impact on parking and highways:**

As there is no proposed uplift in pupil numbers, there would be no impact on the existing conditions on site on account of the proposed works.

## **5.4 Response to Public Consultation**

- o Noise pollution due to increased number of students
- o Increased traffic chaos due to increase in student numbers
- o Litter on streets
- o Increase number of students
- o Unsafe street conditions



- o Insufficient Parking space
- o Thoughtless parking
- o Emergency services not accessible to neighbouring residents due to traffic chaos

These are not material considerations in the assessment of this application since the proposed works would not alter the number of students the school would cater to. The proposed works would not create any change in these existing conditions since the proposed classroom is for the use of the existing number of students. There is no proposed increase in the student count.

Considering the history of developments on the site there has been some ambiguity on the number of students the school was consented to cater to. The enforcement officer was consulted, confirmed that planning consent W01758 refers to a condition on the number of students to be 150. This limit on numbers, was superseded by Planning consent W01758B. This application was initially refused but allowed on appeal. However, there was no condition restricting the number of students with this application. The applicant has confirmed that the use of the premises would be for 150 students and there would be no further increase on this number as such. This application would be conditioned to restrict the number of students using the facility to 150.

- o Unreliable applicant not adhering to planning consent conditions:  
Concerns were further raised on the reliability of the applicant considering that previous planning conditions to planning consents have allegedly not been adhered to. The planning history for the site indicates that the proposed plans attached with planning consent W01758B indicate four parking spaces in the rear amenity of the school building with a gate accessing Brinsdale Road. However, it appears that changes were undertaken along the way, replacing these spaces with the current sheds. The existing plans with planning consent W01758N/04 indicated 3no timber sheds in this area with some additional concrete surfaces on either side of these sheds. There is also an additional concreted area, more centred, in line with these sheds. Aerial images indicate that the parking facility approved in 1989 has not been in use since 2010. Aerial images also indicate that the current sheds have been there for over four years and therefore deemed as lawfully established as the existing use. As such the area consented for use as parking loses relevance in the current context. The non-availability of parking space within the premises is therefore not material consideration in assessing this application.

- o Increased presence of school and future developments in neighbourhood
- o Surrounding developments have increased vehicular footprint

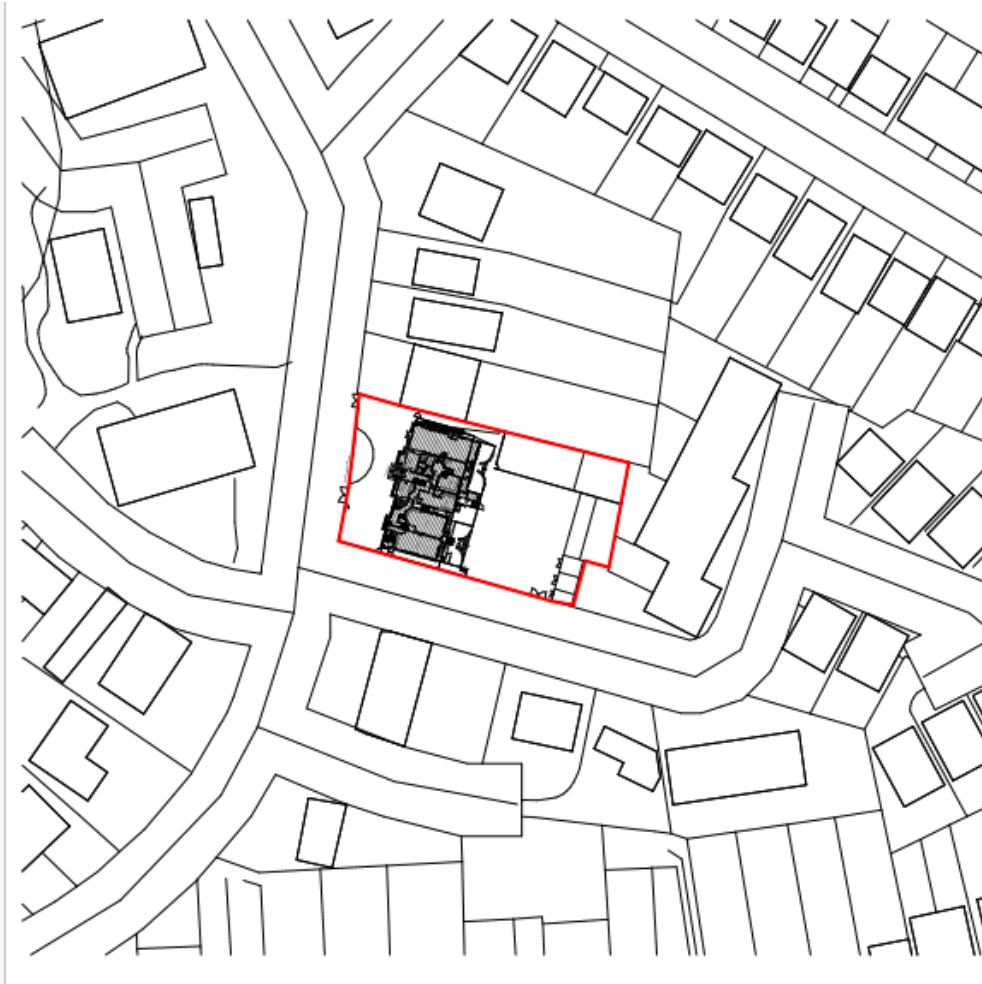
Concerns have also been raised with regards to an increasing presence of the school due to developments carried out on the premises since originally existing and with regard to the increased vehicular footprint on account of a development consented opposite the school. However, any planning application is assessed on a case-to-case basis, for the impact of the proposed development on surrounding amenity and therefore this is not seen as material consideration in assessing this application. As set out above, this application proposes no increase above the existing pupil numbers.

## **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 the proposed developments are acceptable, and the application is recommended for APPROVAL on character and amenity grounds.



**Location** Dolman Close London N3 2EX

**Reference:** 22/3385/FUL

Received: 29th June 2022

Accepted: 27th July 2022

**Ward:** West Finchley

Expiry 26th October 2022

AGENDA ITEM 15

**Case Officer:** Tania Sa Cordeiro

**Applicant:** Pocket Living Dolman Close Limited

**Proposal:**

Erection of a three to five storey building containing 60no. self-contained residential units with associated amenity space, landscaping, parking, servicing access and cycle and refuse store facilities

### **OFFICER'S RECOMMENDATION**

Approve subject to s106

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)

### **RECOMMENDATION I:**

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

#### **3. Affordable units**

56no. units shall be affordable adhering to the following obligations below:

- Marketing Plan with the Council to market the affordable units for a period of 6 months to Eligible Persons who have lived or worked within the London Borough of

Barnet for a minimum period of 3 months. If this does not identify residents, then the criteria cascades as follows: those who have lived or worked in the Borough for 2 months, those who live in any London Borough and finally those who live, anywhere in the UK.

- The initial sale of dwellings to eligible persons for no more than 80% open market value;

- Restrictions on resales to eligible persons to ensure the homes remain affordable in perpetuity.

#### **4. Carbon Off-set**

A carbon offset contribution of £42,068.00

#### **5. Travel Plan and Monitoring**

Within 3 months of occupation, a Residential Travel Plan that meets the criteria of the current Transport for London Travel Plan guidance, currently 'Travel Planning for new development in London incorporating deliveries and servicing' and Itrace or TRICS compliant surveys shall be submitted to and approved in writing by the Local Planning Authority. The document shall set out the transport policy to incorporate measures to reduce trips by the private car especially single occupancy and single passenger journeys and encourage non-car travel modes such as walking, cycling and public transport and to reduce, consolidate or eliminate delivery trips. The Travel Plan Statement should include the appointment of a Travel Plan Champion, SMART targets and a clear action plan for implementing the measures. The Travel Plan should be reviewed, updated and resubmitted in writing for approval in years 1, 3 and 5 in accordance with the targets set out in the Plan.

A contribution of £9,000 toward measures / incentives and a monitoring contribution of £10,000.

#### **6. Car Club Provision**

Provision of one off-site car club scheme or a financial contribution towards the delivery of a car club scheme.

#### **7. Controlled Parking Zone (CPZ Review and Implementation) and/or Highways Improvements**

Contribution of £45,000 towards the review and Implementation of CPZ and /or highways improvements within the vicinity of the development in order to mitigate against any traffic impacts of the Development.

#### **8. Residential Parking Permit Restrictions**

Contribution of £5,000 towards amending the Traffic Management Order (TMO) to prevent future occupiers from obtaining a parking permit in the event the CPZ is implemented.

#### **9. Off-site Highways Works**

The applicant would be required to enter into the Highways Agreement at a later date.

It is recommended that the following off-site highways works are undertaken:

- i) cutting back the vegetation whilst retaining the existing trees along the boundary and replacing the timber fencing with railings, reinstating the existing footpath connecting Avondale Road to A406 North Circular
- ii) Provision of dropped kerbs and tactile paving at the entrance of Dolman Close
- iii) Reinstating the site access and footway along the site frontage

#### 10. Skills, Employment and Enterprise

The applicant would be required to enter into a Local Employment Agreement with the Council.

Alternatively, the applicant may wish to make a financial contribution in lieu of the employment outcomes outlined above. Such a contribution would be commensurate with the number of outcomes secured and in line with SPD guidance.

#### 11. **Be Seen Energy Monitoring Guidance**

Requires monitoring and reporting of the actual operational energy performance of major developments for at least five years via the Mayor's 'be seen' monitoring portal.

#### 12. **Section 106 monitoring**

A contribution of £4,082.04 towards the monitoring of the S106 agreement.

### **RECOMMENDATION II:**

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan 297/2/001  
Site Plan - As Existing 297/2/002  
Block Plan - As Proposed 297/2/003

Ground Floor Plan 297/2/200  
First Floor Plan 297/2/201  
Second Floor Plan 297/2/202  
Third Floor Plan 297/2/203  
Fourth Floor Plan 297/2/204  
Roof Plan 297/2/205

West Elevation 297/2/300  
South Elevation 297/2/301

East Elevation 297/2/302  
North Elevation 297/2/303  
Section AA 297/2/304  
Section BB 297/2/305  
Section CC 297/2/306

Air Quality Assessment  
Arboricultural Impact Assessment, Method Statement & Tree Survey Rev C  
Construction Logistics Plan  
Daylight and Sunlight Amenity (Internal)  
Daylight and Sunlight Amenity (Neighbouring)  
Design and Access Statement  
Ecological Impact Assessment (EclA)  
Energy Statement  
Fire Statement  
Foul Sewerage and Drainage Strategy  
Noise Impact Assessment  
Landscape Design and Access Statement  
Overheating Report  
Phase 1 Desk Study  
Planning Statement  
Transport Assessment  
Travel Plan

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) Prior to installation, 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.

- 4 a) No development or site works shall take place on site until a 'Method of

'Demolition Statement' has been submitted to and approved in writing by the Local Planning Authority. The Demolition Statement 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 demolition 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 demolition 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 demolition 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 demolition;
- x. details of a community liaison contact for the duration of all works associated with the development.

The Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of 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, noise 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 SI 1, SI 7, D14 and T7 of the London Plan 2021.

5 a) No development or site works (excluding demolition) shall take place on site until a 'Method of Construction Statement' has been submitted to and approved in writing by the Local Planning Authority. The Construction Statement 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.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of 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, noise 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 SI 1, SI 7, D14 and T7 of the London Plan 2021.

- 6 Prior to occupation, a Parking Design and Management Plan should be submitted which shows how an additional 4 of the existing car parking spaces (in addition to the 2 proposed enlarged bays) can be made suitable for Blue Badge Holders in circumstances that the additional spaces are required. The Parking Design and Management Plan shall be approved in writing by the Local Planning Authority prior to occupation.

Thereafter, if required the enlarged bays shall be implemented in accordance with the approved plans.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic 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

- 7 Prior to occupation of the development, details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Authority.

Thereafter, before the development hereby permitted is occupied, a minimum of 65 cycle parking spaces (62 long stay and 3 short stay) Cycle parking spaces will seek to accord with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic 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 Prior to occupation of the development, a full Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority.

The development thereafter shall only be operated in accordance with the approved delivery service plan.

Reason: In the interest of highway safety 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.

- 9 Prior to occupation of the development, details of a parking management plan shall be submitted to and approved in writing by the Local Planning Authority.

The development thereafter shall only be operated in accordance with the approved parking management plan.

Reason: In the interest of highway safety 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.

- 10 Prior to occupation of the development, full details of the electric vehicle charging points to be installed in the development shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the provision of a minimum of 2 active and 9 passive electric vehicle charging points.

The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy T6.1 of the London Plan 2021.

- 11 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up-to-date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reason: In the interest of good air quality in accordance with Policy DM04 of the Barnet Local Plan Development Management Policies (2012) and Policy SI1 of the London Plan 2021.

- 12 The approved mitigation scheme as set out in the Air Quality Assessment, Ref J0619/1/F2 by Air Quality Assessments Ltd dated July 2022 shall be implemented in its entirety before any of the development is first occupied and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy SI 1 of the London Plan (2021).

- 13 Part 1

Before development commences (excluding demolition) other than for investigative work:

a) Section 7 Conclusions and Recommendations of the submitted Phase 1 Desk Study by RSK, dated July 2022 identifies further assessment and investigatory works. Therefore, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

b) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

c) Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS

NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016).

- 14 The level of noise emitted from the approved extraction / ventilation plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and D14 of the London Plan 2021.

- 15 a) Prior to occupation of the development hereby approved, a report that has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, shall be submitted to and approved in writing by the Local Planning Authority.

The report shall include all calculations and baseline data and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and Policies D13 and D14 of the London Plan 2021.

- 16 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).

17 a) No development (excluding demolition) shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to 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 details approved under this condition.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy G6 of the London Plan 2021).

18 a) The development hereby approved shall be implemented in accordance with the dimensioned tree protection plan dwg no. PRI23699-03 and the method statement contained within Section 3 of the approved Arboricultural Impact Assessment & Method Statement Rev C, by ACD Environmental dated 15/09/2022 in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations).

b) No site works (including, 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 G6 of the London Plan 2016.

19 a) Prior to the occupation of the hereby approved development, details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.

b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.

c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012).

20 a) Prior to the installation of any planting of any green roof, details of the proposed green roof have been submitted to and approved in writing by the Local Planning Authority.

b) The green roof shall be implemented in accordance with the details approved this condition prior to first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012).

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

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

22 a) The site shall not be 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 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, DM16, 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).

- 23 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure.

- 24 a) Prior to carrying out above grade works of each building or part of any new building, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate how such building or such parts of a building seek to apply the principles of Secured by Design'.  
b) The development shall only be carried out in accordance with the approved details

Reason: To protect the amenity of the area in accordance with Policies DM01 and DM04 of the Barnet Development Management Policies (adopted) September 2012.

- 25 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 wholesome 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 110 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. Any use of grey water and/or rainwater systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

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), Policy SI 5 of the London Plan 2021 and Barnet's Sustainable Design and Construction SPD (2016).

- 26 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (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) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3)(2)(a) of the abovementioned regulations. 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 Policy D7 of the London Plan.

- 27 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 64% 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), Policy SI 2 of the London Plan (2021).

- 28 The development shall proceed and be carried out in strict accordance with all the findings and recommendation of the Ecological Impact Assessment (ACD Environmental, Ref: PRI23676 EclA Rev A dated 19.07.2022), including mitigation measures, ecological enhancements, provision of swift box and proposed lighting strategy.

Reason: To ensure that nature conservation interests are not prejudiced 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).

- 29 Prior to occupation of the development hereby approved, an updated Biodiversity Net Gain Assessment II be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that nature conservation interests are not prejudiced 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).

- 30 Prior to the occupation of the development hereby approved, an External Lighting Assessment shall be submitted to and approved in writing by the Local Planning Authority. The External Lighting Assessment submitted shall detail the existing average night time luminance and light spread levels across the application site at night, identify the levels of light pollution received at the windows to residential properties within proposed development and, where appropriate, identify the measures to be used to mitigate the impacts of light pollution on the future occupiers proposed dwellings as well as mitigate any impacts to species including bats. Any light pollution mitigation identified in the External Lighting Assessment shall be implemented in full prior to occupation of the relevant phase.

Reason- To ensure the development provides adequate amenities of the future occupiers of the building and neighbouring residents and to accord with policy DM01 and DM16 of the Barnet Local Plan.

### **RECOMMENDATION III:**

That if the above agreement has not been completed or Section 106 agreement has not been submitted by 31.03.2023, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The proposed development does not include a formal undertaking to meet the costs of provision of affordable housing. The proposal would therefore not address the impacts of the development, contrary to Policy CS5 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).
2. The proposed development does not provide a legal agreement to mitigate the impacts of the proposed development and its therefore considered that it would have a detrimental impact on the free flow of traffic and parking provision contrary to policy CS9 of the Local Plan Core Strategy (adopted September 2012) and policy DM17 of the Adopted Development Management Policies DPD.
3. The proposed development does not include a formal undertaking to meet the costs of the required carbon off-set provision. The proposal would therefore not address the impacts of the development, contrary to Policy SI 2 of the London Plan (2021), Policy CS9 of the Local Plan Core Strategy (adopted September 2012), and policy DM04 of the Adopted Development Management Policies DPD.

### **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.

- 3 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

We believe that your development is liable for CIL. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

- 4 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

- 5 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from:

<http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 6 With regard to SURFACE WATER drainage, Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

- 7 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

- 8 Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes> Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

- 9 There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes>
- 10 Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- 11 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Councils refuse collection department is consulted to agree a refuse collection arrangement.
- 12 For works on the public highway, the applicant will be required to submit a Street Works Licence application to the Development and Regulatory Services, 2 Bristol Avenue, Colindale NW9 4EW at least 4-6 weeks before the start of works on the public highway.
- 13 If a concrete pump lorry is operated from the public highway, surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 14 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses please contact the councils Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email [highwayscorrespondence@barnet.gov.uk](mailto:highwayscorrespondence@barnet.gov.uk).
- 15 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The 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."

- 16 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The proposal site is a rectangular plot of land located in Dolman Close, off Avondale Road, and is adjacent to the North Circular Road (A406). The site is bounded by the playing grounds of Tudor primary school to the north, residential dwellings along Abingdon Road to the west, residential dwellings on Pointalls Close and the North Circular (A406) to the south east.

The site is accessed via Dolman Close, off Avondale Road, southwest of the site. It measures approximately 0.24 hectare (0.59 acre) and is occupied by two brick buildings including a former mortuary building and ancillary residential building. Both uses have been decommissioned and relocated. The residential building was occupied by guardians until March 2021.

The site has a Public Transport Accessibility Level (PTAL) of 1b (poor). However, 3 bus routes (143, 232 & 382) can be accessed from stops within 4-5 minutes walking distance of the site.

The site is not located within a conservation area nor is it within the setting of a listed building. The development is in flood zone 1 and has a low probability of flooding.

There are a number of overgrown trees and shrubs within the site. There are a couple of provision individual and group TPO trees on the site, located along the north-west and south-west boundaries.

### **2. Site History**

None.

### **3. Proposal**

Planning permission is sought for the erection of a three to five storey building containing 60no. self-contained residential units with associated amenity space, landscaping, parking, servicing access and cycle and refuse store facilities.

The proposed scheme is classified as affordable housing under the National Planning Policy Framework (NPPF) and will be delivered by Pocket Living, who are a private developer providing intermediate affordable housing. Pocket's provision of affordable housing will be explained in further detail in the affordable housing section of the report.

The proposal involves the demolition of the existing two building and construction of a new 'C' shaped three to five storey development which will accommodate no.60 residential units, 56no. of the proposed units (93% by unit and 90% by habitable room) will be affordable homes specifically for first time buyers with priority to those living and working in Barnet.

The buildings have been designed with the longest flank wall running adjacent to the North Circular, enclosing a central landscaped courtyard area. The development is set back from the residential dwellings along Abingdon Road. The front (north) elevation accommodates an entrance canopy that provides access into the building.

A secondary pedestrian access is also proposed onto the southern elevation adjacent to the

North Circular which provides easy access to the shopping, leisure and transport facilities to the north.

The building proposes a material palette of red brick with articulation in a grey/white brick along with vertical infill brickwork to add interest to the middle floors. The main entrance elevation follows a similar approach with a red brick base and red brick recessed panels to provide additional detail.

The proposal will provide a total of 60 units comprising of the following mixture of residential mix, tenure and sizes;

- 1 bed 1 person (38m<sup>2</sup>) - 50 Units
- 1 bed 1 person (wheelchair adaptable) (47m<sup>2</sup>) - 6 Units
- 2 bed 4 person (70m<sup>2</sup>) - 4 Units

All the 1 bed homes, 56 in total, will be provided as intermediate affordable homes at prices discounted to the local market, delivered by Pocket. The 4 x 2 bed units will be for private sale.

The scheme would provide the ability to provide no.11 car parking spaces, which includes no.2 spaces disabled bays. Furthermore, 66 cycle spaces would be provided.

#### **4. Public Consultation**

Upon validation of this application on 13.08.19, consultation letters were originally sent to 114 neighbouring properties.

32 representations were received, out of which no.19 letters of objection and no.14 letters of support were received.

The objections received against the application as a whole can be summarised as follows:

- Proposal is too big for the site and the location
- Too large and totally out of proportion for the surrounding area
- The concept of 60 units constitutes over development
- It is too intense and out of keeping with the area
- The character of the area will change and the trees which provide invaluable natural resources will be cut down to accommodate such a big building
- Tower over existing properties blocking light and reducing privacy
- There is huge overspill parking from ULEZ avoidance using both streets as parking space
- Will overwhelm the residential adjacent streets of Avondale Road and Abingdon Road
- The access to the site is a challenge and hugely impact the local streets
- School children's health and wellbeing and safety should be a priority
- Construction will overwhelm quiet residential streets
- It would overlook the entire school playground
- The closest areas of the school site that it overlooks would be our Reception playground (4-5 year olds), and our forest/nurture area which is used for our vulnerable children including children who have SEN or child protection arrangements
- Additional traffic would create a risk to our children as they walk to and from school
- The local area is mostly families, not sole occupants
- Missed opportunity for convenient family living that would be more in keeping and create less traffic and risk
- 60 flats with only 11 parking spaces is not viable

- Already difficult to access local medical care
- Keep the existing mature trees already on the site not only for aesthetic reasons but to mitigate the motorway air pollution
- Coping with all the extra foul waste from this development being added to the existing Avondale road sewerage system
- Flats would overlook the polluted and constantly noisy North Circular even with suggested building design to counter this
- Use of the alley backing onto this development for drug uses
- Protect and relocate any existing wildlife living in this proposed development site
- The fact the development does not fully respect current "right to light" laws is outrageous
- Why hasn't a commercial office development been considered
- The Daylight and Sunlight Report provided does not support the scheme

The letters of support received can be summarised as follows:

- It will provide much needed homes for local residents;
- Should prioritise in helping young working professionals to remain in Barnet
- Affordable homes that is proposed will be a great addition to the area
- Benefit price in first-time buyers such as myself and would allow me to make the next big step in my life
- Design of the building looks really great and there is loads of outdoor space for residents

#### Responses from External Consultees

##### **Metropolitan Police (Secure by Design)**

Due to levels of crime and burglary within the borough and to help enhance community safety through the implementation of proven crime prevention products and measures (via SBD compliance), I would respectfully request that any approval of this application contains a relevant planning condition 'whereby the development must achieve SBD accreditation, prior to occupation'.

##### **Thames Water**

With regard to Waste Water Network and Sewage Treatment Works infrastructure capacity, we would not have any objection to the planning application.

#### Responses from Internal Consultees

##### **Affordable Housing**

The development is supported by the Council's Director of Growth and Head of Housing Strategy, Growth & Development and therefore the development is supported from an affordable housing basis.

##### **Arboricultural Officer**

No objection subject to additional information being provided. The requested information was provided by the applicant and addressed during determination.

##### **Commercial Services - Street Scene**

The waste strategy for this application is acceptable for the Street scene collections team.

## **Ecology**

No objections to the application on ecological grounds as discussion with the project ecologist following the submission of the Ecological Impact Assessment (ACD Environment, July 2022) confirmed that no protected species (e.g. bats, nesting birds, hedgehogs or reptiles) were considered likely to be impacted by the proposed works in a manner which could not be reasonably mitigated.

## **Energy and Sustainability**

There are further opportunities to maximise renewable energy within the proposal such as installation of PV panels on the roof of the main building, combined with a green roof on areas not used for other purposes. The proposal is not net zero-carbon and therefore a carbon offset contribution is required to be secured via S106.

## **Urban Design**

The proposed layout arranged around a courtyard, the overall height, massing, stepped design approach and fenestration strategy are all supported.

## **Environmental Health**

No objection subject to conditions.

## **Traffic and Development**

Highways would raise no objection to the proposal subject to a S106, conditions and informatives.

## **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 20th July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this". The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.



## 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 for the next 25-50 years. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

## Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS12, CS13, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM10, DM16, DM17.

## Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan.

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.

## Supplementary Planning Documents

- Affordable Housing (2008)
- Delivering Skills, Employment, Enterprise and Training (SEET) from development through S106 (2014)
- Green Infrastructure (2017)
- Planning Obligation (2013)
- Residential Design Guidance SPD (adopted October 2016)
- Sustainable Design and Construction SPD (adopted October 2016)

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of development;
- Housing Tenure and Mix;
- Provision of affordable housing
- Whether harm would be caused to the character and appearance of the existing site, the street scene and the wider locality;

- Whether harm would be caused to the living conditions of neighbouring residents;
- Provision of adequate accommodation for future occupiers;
- Highways and parking;
- Trees, landscaping and ecology;
- Energy and sustainability
- Flood Risk; and
- Other material considerations.

### **5.3 Assessment of proposals**

#### Principle of development

The site was previously used as a mortuary and residential use. Therefore, the site would constitute a 'Sui Generis' use and is not restricted for any land-use within the current Local Plan. There is no objection to the loss of the existing uses on site.

The surrounding area is predominantly residential in character. Therefore, it is considered that subject to relevant planning policy considerations, the principle of new residential development is acceptable on this site. Furthermore, the emerging Barnet Local Plan was approved by Council on 19th October 2021 and submitted to the Secretary of State on 26th November 2021. It is currently at examination stage. Within this document, the site is allocated as Site No.65 with the allocation setting out that the site can be redeveloped and intensified for residential use. Therefore, Officers support the principle of residential development, subject all other relevant policy considerations.

#### Housing Tenure and Mix

Barnet Policy CS4 aims to maximise housing choice providing a range of sizes and types of accommodation that can meet aspirations and increase access to affordable and decent new homes.

Policy DM10 requires 40% of housing provision to be affordable from all new sites providing 10 units. In line with the Core Strategy the tenure mix of affordable housing which will be sought is 60% social rented and 40% intermediate.

The proposal will provided a total of 60 units comprising of the following mixture of residential mix, tenure and sizes;

- 1 bed 1 person (38m<sup>2</sup>) - 50 Units
- 1 bed 1 person (wheelchair adaptable) (47m<sup>2</sup>) - 6 Units
- 2 bed 4 person (70m<sup>2</sup>) - 4 Units

All of the 1 bed homes, 56 in total, will be provided as intermediate affordable homes at prices discounted to the local market, delivered by Pocket. The 4 x 2 bed units will be for private sale.

It is recognised and acknowledged that the proposal does not comply with policy DM10, however the model proposed by Pocket would be acceptable to the Council as affordable housing, as well as the proposed tenure mixture. The pre-amble to Barnet Policy DM08 in paragraph 9.1.7 states an aspiration for family sized intermediate affordable housing. However, smaller 1 and 2 intermediate tenure homes will be supported as larger sized homes under shared ownership/low-cost home ownership may be unaffordable., given the high level of affordable housing, this represents a significant material consideration and

would meet a specific need for local housing in the Borough.

Barnet's Strategic Housing Market Assessment Update (October 2018) states that there will be a need to provide additional affordable housing for 17,600 dwellings over the 25-year period 2016-41 (an average of 704 per year)

London Plan Policies SD1.A. 5 and Policies H4 and H5 seek to maximise the delivery of affordable housing. London Plan Policy H4 (Delivery affordable housing) in paragraph 4.4.1 strongly emphasises the need to deliver more genuinely affordable housing, with schemes expected to maximise the delivery of affordable housing and make the most efficient use of available resources.

Pocket homes are all designed to be one-bedroom units for first time buyers. Taking this into account, the proposal would contribute to the Borough's housing stock and would consist of 90% affordable housing by habitable room which is a significant positive aspect of the scheme.

It is recognised that policy D7 (Accessible Housing) of the London Plan concerning housing choice requires that 10% of new housing should be designed as wheelchair or easily adaptable for wheelchair users.

Within the proposed scheme this would equate to the provision of 6 wheelchair units. Within the submitted Planning Statement, it states that Pocket has provided 6 number of wheelchair units to meet building regulation M4 (3)(2)(a) 'wheelchair adaptable dwellings'. The remaining units have been designed to meet building regulation M4(2) 'accessible and adaptable dwellings'.

In this instance, officers are satisfied with the proposed housing mix given the high provision of affordable housing.

### Affordable Housing

As stated earlier, Pocket is a business dedicated to the provision of affordable homes in London. Pocket is a private developer that provides intermediate affordable housing delivering homes for first time buyers on an average wage in London.

Pocket builds an innovative form of affordable housing in London which does not require public subsidy. Housing affordability is secured in perpetuity through a Section 106 legal agreement requiring purchasers to demonstrate that their income is below the eligibility threshold designated by the Mayor of London for intermediate affordable housing. Pocket units are by definition affordable housing in accordance with the definition contained within Annex 2 of the NPPF. Pocket builds principally one-bedroom apartments that are designed specifically for single occupiers who want to own their homes outright. A 20% discount to the open market price for comparable flats in the same area is applied on the initial sales of Pocket homes. Pocket homes are sold to local people who either work or live in the Borough in the first instance.

Unlike conventional shared ownership and shared equity products whereby buyers increase their stake by 'stair-casing'. Pocket buyers own 100% of the equity and the value of their home from day one. Pocket's homes are restricted on initial sale to buyers with eligible household income (as designated by the Mayor of London) through Pocket's bespoke Section 106 legal agreement and this restriction is also enshrined in lease covenants. Priority is given to those who already live or work in the relevant borough; people on any

intermediate nominations list operated by the Council; or who are otherwise approved by the Council. Pocket's homes therefore remain part of the intermediate housing stock in perpetuity.

On resale the Section 106 covenants require a vendor to sell the Pocket home to an 'eligible person' this is a person with an income below which the Mayor of London has deemed should be afforded the opportunity to buy intermediate affordable housing. The administrator supervises the sale and certifies that the purchaser is an eligible person. There are also restrictions on renting out the units; these restrictions mean that the units can only be bought by eligible persons and also effectively mean that the price at which they are bought and sold is below the price at which they would otherwise reach on the open market.

Pocket homes therefore qualify as affordable housing under both the current NPPF and London Plan (2021) because the homes satisfy the three key criteria contained within the definition of affordable housing:

- Restricted Eligibility;
- Provision to remain at an affordable price; and
- Cost Below Market Level
- Doesn't own another property (e.g. first time buyer)

#### *Restricted Eligibility*

All buyers must have a household income below the Mayor's maximum household income threshold (currently £90,000). However, the average Pocket purchaser has a household income of £42,000. For resales the restriction on eligibility remains in place through the S106 agreement.

#### *Provision to Remain at an Affordable Price*

The lease for all Pocket homes includes obligations that oblige owners to follow the same eligibility rules when selling (or in exceptional circumstances renting) their home. Mortgage providers will not release their security to allow a sale to proceed unless Pocket, as Administrator, has issued a legal certificate confirming that the buyer is 'eligible'. This obligation is relaxed only in the event the property has not been sold within 6 months of first marketing, and the eventual buyer is bound by the same restrictions on resale. In practice, all re-sales of Pocket's units to date have been to qualified eligible buyers, and Pocket considers that referrals from Councils' Housing Departments will ensure that this applies to most if not all future sales.

Through these obligations Pocket will ensure its homes remain affordable in perpetuity. It is anticipated that only rarely will the units be sold on the open market; however, this has not occurred once to date. This on-going requirement distinguishes these units from shared equity or shared ownership homes, whose buyers can over time acquire additional equity (so-called "stair-casing") until they own 100% and are no longer subject to any resale restrictions. In those circumstances any grant is repaid or eventually recycled by the original developer or Registered Provider but those homes, unlike Pocket's units, are forever lost to the intermediate housing stock.

#### *Cost Below Market Levels*

Pricing for the units is agreed with a valuer before they are released onto the market. Pocket commit to a discount of 20% to the local open market value for comparable homes on the

first sale. The open market value is set by an independent valuation assessing the local market values and can be supported by further valuations by other surveyors if queries are raised. Secondary sales do not include a fixed discount; however, the aforementioned restrictions imposed on the sale do remain in perpetuity. When an owner decides to sell their home, they appoint a valuer to determine the sale price. The valuer will have regard to the restrictions ensuring the units sell for below market value.

### *Restrictions to Borough Residents*

Whilst not a formal requirement of meeting the definition of affordable housing, Pocket often applies a further restriction on the sale of its homes which is that in agreement with a LPA it will apply a restriction on the sale of its home to local residents or people who work in the borough. Thus, applicants must also either live or work in Barnet to be eligible for a Pocket home. The key benefit of this restriction is that it reduces demand on local transport, health and community infrastructure.

### *Summary*

In this instance, it is considered that the scheme will play a considerable and important role in the delivery of affordable homes to meet the identified and quantifiable need with Barnet and across London. The scheme will deliver a high proportion of affordable housing which accords with the policies of the London Plan.

### Design, Layout and height

The proposal comprises of a 'C' shaped footprint with a centralised landscaped courtyard, breaking down the massing and creating a sense of openness within the site. The longest elevation is sited adjacent to the North Circular (A406), enclosing the landscaped courtyard, fronting the residential dwellings on Abingdon Road. The development is set back from the neighbouring residential dwellings and the centralised landscaped courtyard along with the proposed parking spaces and existing/proposed trees will provide buffering between the building and the rear gardens of the neighbouring dwellings.

The entrance to the site is from Dolman Close with a secondary pedestrian access onto the southern boundary adjacent to the North Circular. The front elevation accommodates an entrance canopy that provides access into the main entrance Lobby/lounge. Due to the proximity of the site to the North Circular (A406) and the noise nuisance resulting from this busy street, the proposal has placed all 'circulations areas' adjacent to this street, focussing the outlook of residential properties away from the road.

At ground floor level, all the units will benefit from their own private terrace, with most of them looking onto a landscaped area. The plant room, refuse storage and the cycle storage is located at this level to the front of the site.

The development benefits from adequate amount of outlook, privacy and benefit from adequate stacking between units. Overall, the proposed layout and siting of the proposed buildings are considered to be acceptable.

The development has been informed by the building heights of adjacent dwellings, which are generally 2 storeys with hipped roof. It is acknowledged that the proposed overall height would be taller than the existing neighbouring residential buildings, however, the proposed building is stepped in height from 3 storeys to a maximum of 5 storeys, with the shortest height being adjacent to residential buildings. The mass and bulk of the building has been

broken up and reduced at the north and south wings, to allow for a gradual transition in building height between the residential dwellings and the proposed development.

The tallest part of the building which is 5 storeys will be sited adjacent to the North Circular, when viewed from this street the building will be in keeping with the tall rise buildings along this street. In addition, 2no. projecting gables have been introduced on this elevation, which helps to break down the massing and provide visual interest along this elevation. Therefore, the proposal is considered to respect the building heights of neighbouring properties and would not appear out of scale with the surrounding area.

The building proposes a material palette of red brick with articulation in a grey/white brick along with vertical infill brickwork to add interest to the middle floors. The main entrance elevation follows a similar approach with a red brick base and red brick recessed panels to provide additional detail. This is considered to be acceptable and will produce a high-quality visual development.

It should be noted that the proposed development is supported by the Council's Urban design team.

Officers consider that the proposed layout, height, scale and bulk and external appearance have been carefully considered in terms of the site's constraints, wider context and urban form. Overall, the proposal is considered to be of a high quality in terms of form and detailed appearance.

#### Impact on the amenity of adjacent occupiers and surrounding area

Barnet policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining users. Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Furthermore, the adopted Local Plan (2012) and draft Local Plan (2021) policy CDH01 promotes high quality design by requiring development not to result in any adverse impact on the amenity of neighbouring occupiers in relation to overlooking and privacy.

#### *Privacy, overlooking and outlook*

Barnet's Residential Design Guidance SPD states that there should be a minimum distance of about 21m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5m to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

The site is located within a residential area with a variety of building forms. In terms of potential impact there are existing residential properties to the north and west of the site. To the east is the playing grounds of Tudor school.

Given the constraints of the site, the proposal is unable to strictly maintain the required distance to its boundary with some neighbouring properties and habitable rooms. Notwithstanding this, the proposal has been designed with varying setbacks at the upper levels from these properties. The proposed building has been orientated in a way which ensures that any sightlines are positioned away from the neighbouring properties and into the communal landscaped areas. In addition, the building has a stepped design which has been informed through discussions with officers. The scale of the building is broken down by stepping the building down towards the neighbouring residential properties.

Furthermore, a number of existing trees along the boundaries have been retained, in addition to the new trees and landscaping that has been proposed along these boundaries. This will help to mitigate any concerns with regards to overlooking and loss of privacy.

### *Daylight / Sunlight*

The application is accompanied by a Daylight & Sunlight Study (ref. 22-00471) which has analysed the impact of the proposal on a total of 13 properties, 162 windows and 78 rooms.

The report states that in 'The results for the VSC method of the assessment show that 142 (88%) out of 162 windows serving habitable rooms will fully comply with the suggested target values. Out of 20 windows that fall short of the recommended target values, 16 will achieve marginal ratios above 0.70 against a target of 0.8 which is considered acceptable in the BRE guidelines given the urban context of this proposed development.

The results for the DD method of the assessment show that 70 (90%) out of 78 habitable rooms will fully comply with the BRE suggested target values. The 8 rooms that fall short of their recommendations still maintain above 66.58% of room coverage post-development, which is considered acceptable in an urban environment such as this.

The results for the APSH method of assessment show that 76 (99%) out of 77 relevant rooms with windows positioned within 90 degrees of due South will fully comply with the recommended target values. The one shortfall is considered to be marginal given the urban circumstances of the site. It should be noted that this window is obstructed by an overhanging staircase and landing located on the exterior of the building itself, thus exaggerating the impact. Despite this the window still achieves 23% against a target of 25%, so is considered to be acceptable given its position.

The overshadowing to open spaces results show that all 13 amenity areas considered will fully comply with the recommended target values.'

The report concludes that there is a high level of compliance with the BRE guidance and that any affected properties will only experience minor reductions. Overall, the scheme as a whole is not considered to harmfully impact the daylight / sunlight levels of neighbouring properties.

### *Residential amenity within the proposed development*

In terms of the amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. Table 3.1 within Policy D6 (Housing Quality and standards) of the London Plan 2021 provides minimum space standards for new dwellings. Policy D3 of the London Plan states that development should optimise the use of the land following a design-led approach.

The proposal will provide a total of 60 units comprising of the following mixture of residential mix, tenure and sizes;

- 1 bed 1 person (38m<sup>2</sup>) - 50 Units
- 1 bed 1 person (wheelchair adaptable) (47m<sup>2</sup>) - 6 Units
- 2 bed 4 person (70m<sup>2</sup>) - 4 Units

A number of design principles are incorporated into all Pocket schemes in order to maximise space, comfort and sustainability. This includes generous floor-to-ceiling windows, siting of circulation areas adjacent to the busy street, high quality sound proofing, built in storage and high quality internal and external amenity spaces. All of the units would exceed the 37sqm national minimum requirement.

The majority of units would be single aspect, which is not an issue in principle, as none of the units would be north facing. Each unit would benefit from floor to ceiling windows to increase the level of daylight and sunlight received into each unit. The applicant has submitted a Daylight and Sunlight Study, to assess the whether the proposed habitable rooms will receive satisfactory levels of daylight and sunlight. The study demonstrates that 98% of all the units achieve full compliance with the Average Daylight Factor (ADF) requirements and as such would receive a high level of both daylight and sunlight which would comply with the BRE targets.

As the site is located adjacent to North Circular (A406), a Noise Impact Assessment has been undertaken and submitted in support of the application. The assessment advises that good quality double-glazed windows would provide internal noise levels for all residential environments of the development commensurate to the design range of BS8233. No further mitigation measures have been requested in order to protect the proposed habitable spaces from external noise intrusion. The Council's Environmental Health Officers have raised no objections.

Overall, Officers are satisfied that that high standard of accommodation would be provided to the proposed development.

In terms of outdoor amenity space, London Plan Policy D6 states that where there are no higher local standards in the borough Development Plan Documents, a minimum of 5 sqm. of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m.

Barnet's Sustainable Design and Construction SPD Table 2.3 sets the minimum standards for outdoor amenity space provision in new residential developments. For both houses and flats, kitchens over 13sq.m are counted as a habitable room and habitable rooms over 20sq.m are counted as two habitable rooms for the purposes of calculating amenity space requirements. The current Local Plan requirements are 5sqm per habitable. However, the emerging Barnet Local Plan seeks to follow the London Plan requirements as set out in the first paragraph above.

The proposal will provide outdoor amenity in the form of a range of options, including private and communal terraces and shared communal outdoor space. In total the proposal would provide 641sqm of shared amenity space.

The provision of external spaces is therefore compliant and Officers are satisfied that the proposed spaces would be useable and available throughout the year and would help create a sense of community within the development.

### Highways and parking

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate



transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

The scheme will provide 11 parking spaces which includes 2 disabled spaces. In addition, 66 cycle spaces would be provided.

Based on Barnet policy DM17, the proposal will attract a maximum allowable parking provision of between 4 and 62 parking spaces. Given the low PTAL score of the site (1b), Highways would recommend the provision of around 50 parking spaces. Based on the proposed parking provision of 11 spaces including 2 disabled bays, potentially around 39 spaces could be displaced on-street. However, the applicant has carried out an overnight parking survey on roads within a 200m distance of the site and the results show that there were 40 spaces available and an overall parking stress of 87.7% within the study area.

However, the 2011 Census data output for this ward indicates a car ownership ratio for flats of 0.67 which equates to about 40 cars for the 60 units proposed. With the 11 spaces provided within the development and 40 spaces available within the study area, there will be 11 parking spaces will be available. It is considered that the majority of the residents of the development are likely to be first-time buyers and young people, who more likely to travel sustainably and hence car ownership levels are likely to be lower than the ward average of 0.67 per household. In view of this, Highways accept to the proposed parking provision subject to the following measures to reduce car ownership and encourage sustainable travel:

- A robust travel plan
- Provision of car club space
- A contribution towards CPZ consultation and implementation
- Restricting future residents from obtaining parking permits should a CPZ be introduced in the area in the future.

Based on London Plan cycle parking standards, a minimum of 62 long stay and 3 short stay spaces are needed for this development. The proposals will provide a total of 70 cycle parking spaces which is in accordance with the London Plan 2021 and Barnet cycle parking standards. The proposed residential use will provide 66 secure and covered long stay cycle parking spaces, of which four spaces will be provided as Sheffield stands (two stands) to allow for larger non-standard bikes. A further four visitor spaces (two stands) will be provided in the form of Sheffield stands. These visitor spaces will be provided within the landscaping. The proposed cycle parking meets the needs of the development, with sufficient spaces for each unit to have a secure and covered cycle parking space.

Vehicular access to the development site will be via the existing junction off Avondale Road. This access will also be used by pedestrian and cyclists. The residential building will have entrances within the site for people arriving via Avondale Road. The building which is situated along the boundary with the North Circular Road will also have a pedestrian entrance leading onto the North Circular Road. This access can also be used by residents with their bicycles when dismounted who are then able to use the off-road cycle route alongside the North Circular Road. Pedestrian and vehicular access arrangements to the site are acceptable.

Servicing and deliveries are expected to take place within the site. Swept path drawings have been submitted by the applicant and these clearly demonstrate the refuse and service vehicles can enter and exit the site in forward gear. The bin stores are conveniently located

near the access within a 10m drag distance to waiting vehicle.

The following off-site highway works are anticipated as part of the development:

i) cutting back the vegetation whilst retaining the existing trees along the boundary and replacing the timber fencing with railings, reinstating the existing footpath connecting Avondale Road to A406 North Circular

ii) Provision of dropped kerbs and tactile paving at the entrance of Dolman Close

iii) Reinstating the site access and footway along the site frontage

Highways would raise no objection to the proposal subject to a s106 agreement denying occupants of the development the right to purchase permits should a CPZ be introduced in the area in the future, a contribution of £10,000 towards travel plan monitoring and £9,000 towards travel plan incentives, as well as the following planning obligations, conditions and informatives.

### Trees, landscaping and ecology

#### *Trees*

The application is accompanied by an Arboricultural Impact Assessment, Method Statement & Tree Survey Dolman Close. The site has been left unmaintained for a considerable amount of time and as a result many trees have established around the disused buildings. The site comprises of trees of varying values, age and categories. There are also a number of mature trees along the western boundary.

The tree survey has detailed the findings and qualities of the trees which value the trees appropriately. Of these trees the following will be removed to accommodate the proposal: G1, T5, T6, T7, T8, G9, G10, G11, T12, T13, T14, T15, G16, T17, T18, T19, T22, T23, G25, G26 and T27 are to be removed as a result of the development proposals as well as x2 individuals from G4. The primary impact this proposal will have is on the residential properties that back onto the site Avondale Road, Abingdon Road, and Pointalls Close. Therefore, it is important that as many trees as possible are retained here to soft the massing of the proposed 5 storey building.

G2 a row of Norway maple and T20 a coastal red cedar will assist in this function. During the pre-application design stage T17, T18 and T19 were discussed for retention. However, a foul water pipe must be relocated very close to these trees and their retention was not considered possible. Replacement planting must be provided to re-instate this visual softening.

A comprehensive tree survey and assessment has been undertaken to inform the development. As part of the development, 13 category C trees and 3 category B trees will be removed. In addition, 1 group of category U trees and 5 groups of category C trees will be removed. These trees which are to be removed represent those specimens with the lowest amenity value and are located within the proposed footprint and hardstanding associated with the development. It is considered that the Site could not easily be redeveloped for residential development without the substantive loss of these trees.

The more mature category B trees along the southern and western boundary of the Site will be retained as these are recognised as providing a high level of amenity. These trees will require trimming and maintenance as they are currently in poor health. In addition, the row of mature existing trees along the North Circular, which fall outside of the Site, will not be affected by the proposed development.

As part of the landscape proposals, 23 new trees will be planted which will significantly offset the loss of the existing trees on the site.

London Plan (2021) policy G5 requires major residential development proposals to contribute to the greening of London and seek to achieve a target urban greening factor (UGF) score of 0.4. The proposed scheme achieves a UGF score of 0.4 in accordance with the requirements of London Plan (2021) policy G5.

The application has been reviewed by the Council's Arboricultural Officer and further information and details have been submitted by the applicant. This is considered to be acceptable as the new trees and landscaping proposals will offset the loss of the existing trees on the site.

### *Landscaping*

The proposed landscape design seeks to deliver a high-quality resident focused environment through the provision of well-considered spaces and carefully identified planting and materials.

A communal landscaped courtyard has been proposed to the front an entrance of the site. This area will provide a rich pallet of Planting with an outdoor patio with a feature pergola for climbing plants and seating opportunities to provide respite to the residents.

Whilst a number of trees will be removed to make room for the development, 23 new trees will be planted which will help to offset the loss of existing trees as part of the landscaping scheme.

### *Ecology*

The Council's Ecologist has reviewed the Preliminary Ecological Appraisal which has been submitted in support of the application. No objections to the application on ecological grounds are raised following the submission of the Ecological Impact Assessment (ACD Environment, July 2022). This report confirmed that no protected species (e.g. bats, nesting birds, hedgehogs or reptiles) were considered likely to be impacted by the proposed works in a manner which could not be reasonable mitigated.

The requested photographs of the two buildings provided by ACD Environment (18.10.2022) confirmed that the two buildings did not possess any potential roost features which would necessitate any further bat emergence or re-entry surveys to confirm presence or likely absence of roosting bats. Likewise, the retention of the mature boundary trees and the confirmation that the dense scrub previously present on site had been cleared and thus the suitability for the site to support foraging bats beyond any occasional transiting and common bat species will have been reduced to a suboptimal level. As a result, no further bat activity surveys will be required.

The PEA report did state however "Common and widespread bat species with some tolerance to light are likely to be the only species using the Application Site given the artificial light currently surrounding the Application Site. Nonetheless, these bats could be vulnerable to disturbance caused by increased lighting during the construction and operational phase unless appropriate mitigation is put in place." Therefore, a bat sensitive lighting strategy will be required as part of any future planning condition.

According to the PEA report "The line of Norway maple trees present within the southern boundary of the Application Site are to be retained as part of the development, the single tree present on the west of the Application Site is to be retained also." We welcome the protection the mature boundary trees onsite and any future planning condition will include tree protection fencing to safeguard the root protection area of the trees.

### *Urban Greening*

London Plan policy requires new developments to contribute to the greening of London by including urban greening as a fundamental element of site and building design. The GLA comments that the level of urban greening across the proposed development is well considered at ground, podium and roof levels. The proposal achieves a score of 0.40 which complies with the target of 0.40 set by Policy G5 of the London Plan.

### Energy and Sustainability

#### Energy Statement

London Plan (2021) policy SI2 states that major development should be net zero-carbon. The hierarchical principles of be lean, be clean, be green, and be seen should be implemented in order to reduce greenhouse gas emissions and minimise energy demands.

An Energy Strategy has been submitted in support of the application. The energy statement outlines a series of measures which will be incorporated into the proposal to improve sustainability and reduce carbon emissions. The Strategy follows the London Plan Energy Hierarchy: Be Lean, Be Clean and Be Green. The overriding objective in the formulation of the strategy is to maximise the reductions in total CO<sub>2</sub> emissions through the application of the hierarchy with a technically appropriate and cost-effective approach, and to minimise the emission of other pollutants. The development will be constructed to comply with Part L 2013 (with 2016 amendments) of the Building Regulations and in line with the London Plan to achieve a minimum of 64% CO<sub>2</sub> reduction for the domestic elements. In order to achieve zero carbon, the developer will need to make a carbon offset contribution to bridge this gap. A contribution of £42,068 will be required to be secured via planning obligation.

#### Water Consumption

In terms of water consumption, a condition would be recommended in the event planning permission is granted 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 110 litres of water is consumed per person per day, to ensure the proposal accords with Barnet's Core Strategy (2012) Policy CS13 and Policy SI5 of the London Plan (2021).

The proposed development, subject to conditions, would therefore meet the necessary sustainability and efficiency requirements of the London Plan (2021).

#### Flood Risk / SuDS

Policy CS13 of the Barnet Core Strategy states that "we will make Barnet a water efficient borough and minimise the potential for fluvial and surface water flooding by ensuring development does no cause harm to the water environment, water quality and drainage systems. Development should utilise Sustainable Urban Drainage Systems (SUDS) in order to reduce surface water run-off and ensure such run-off is managed as close to its source as possible subject to local geology and groundwater levels".

The application is accompanied by a Flood Risk Assessment and Below Ground Drainage Strategy. This is currently being assessed by the Council's appointed drainage specialists who and an update will be provided in due course. However, it is fully anticipated that this matter will be addressed.

## **6. Equality and Diversity Issues**

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- "(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

For the purposes of this obligation the term "protected characteristic" includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty under this important legislation

The site is accessible by various modes of transport, including by foot, bicycle, public transport and private car, thus providing a range of transport choices for all users of the site.

A minimum of 10% of units will be wheelchair adaptable.

The development includes level, step-free pedestrian approaches to the main entrances to the building to ensure that all occupiers and visitors of the development can move freely in and around the public and private communal spaces. Dedicated parking spaces for people with a disability will be provided in locations convenient to the entrances to the parking area.

The proposals are considered to be in accordance with national, regional and local policy by establishing an inclusive design, providing an environment which is accessible to all.

## **7. Conclusion**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully

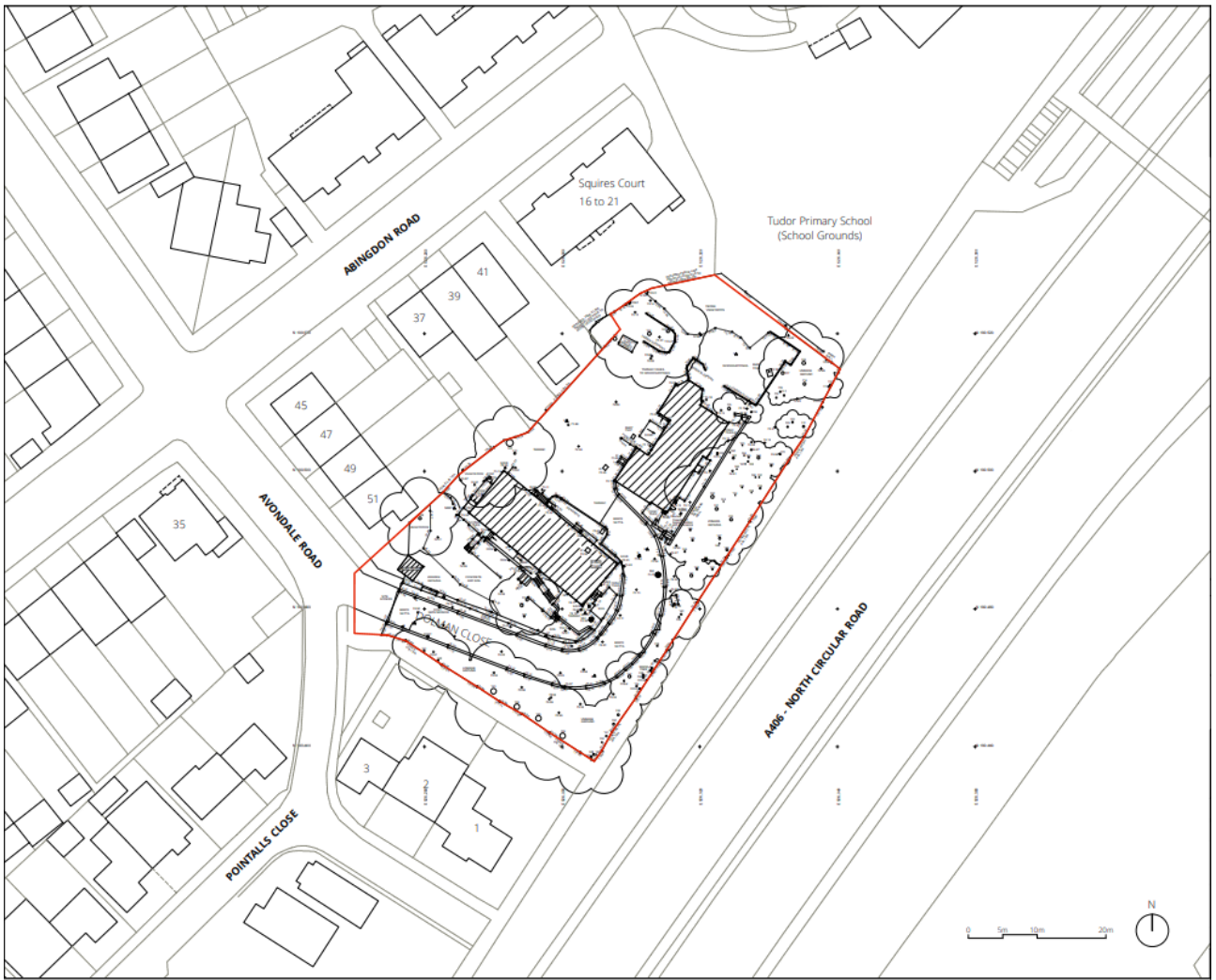
considered and taken into account by the Local Planning Authority. It is concluded that the proposed development generally and taken overall accords with the relevant development plan policies.

The proposed benefits of the scheme are:

- Redevelopment of existing vacant site;
- Provision of a high-quality scheme which is considered to improve the visual appearance of the site;
- Provision of 60no. new residential units towards the Borough's housing targets of which 56 units will be secured as affordable housing;
- Enhanced landscaping and ecological measures across the site.

Taking into the above benefits, Officers give significant weight towards the high provision of affordable housing and it is considered that the package of public benefits are of importance and attract positive weight in the decision making.

It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, subject to the satisfactory completion of the Section 106 Agreement, **APPROVAL** is recommended subject to conditions as set out above.



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