

**Location**                      **Fairlight Cottage, 7 Horseshoe Lane, London, N20 8NJ**

**Reference:**                      **16/5440/CON**                      Received: 16th August 2016  
Accepted: 16th August 2016

Ward:                              Totteridge                              Expiry 11th October 2016

Applicant:                        Mr Melvin Robinson

Proposal:                        Submission of details of condition 11 (Landscaping) pursuant to  
planning permission B/05539/14 dated 08/12/14

**Recommendation:** Approve

**Informative(s):**

- 1      The plans accompanying this application are: Sorbus Design Drawing Nos. 2706

**Officer's Assessment**

NOTE: This application was originally on the agenda for the meeting of the Chipping Barnet Area Planning Committee on 13 October 2016. Prior to the consideration of the Item the Chairman moved that this item be deferred as it was considered necessary for this application to be dealt with alongside Condition 6 (means of enclosure), at the same time. This was agreed by Members. Details pursuant to Condition 6 have since been submitted to the Local Planning Authority for consideration, and a report in respect of that application (reference 16/6918/CON) is on the agenda for this (December) Chipping Barnet Area Planning Committee meeting.

**1. Site Description**

The application site is located at the northern end of Horseshoe Lane and is the final plot along Horseshoe Lane, which continues north as a footpath only beyond the application site. The plot originally contained a detached bungalow, and a detached single garage. Since planning permission was approved, the bungalow has been demolished and works have commenced on the construction of a new building.

Horseshoe Lane contains only a small number of dwellings, with the layout generally comprising pairs of dwellings in relatively close proximity, with larger gaps between the pairs. For example, Nos. 1 and 3 are approximately 16 metres apart, Nos. 5 and 7 approximately 13 metres apart. However, Nos. 3 and 5 are approximately 47 metres apart. Similarly, Nos. 2 and 4 are over 70 metres apart. This spacing between properties, and the different form of the properties (a mixture of bungalows, and two storey dwellings) ensures that Horseshoe Lane retains a spacious and rural feel.

**2. Site History**

16/6918/CON: Submission of details of condition 6 (Means of Enclosure) pursuant to planning permission B/05539/14 dated 08/12/14. Under consideration and on this committee agenda.

16/2448/S73: Variation to condition 1 (Plans) pursuant to planning permission B/05539/14 dated 08/12/14 for "Demolition of existing dwelling and detached garage. Erection of single

storey family dwelling, including basement level and rooms in roof space. Hard and soft landscaping". Variations include changes to window, rooflight and door positions, addition of PV panels and variations to landscaping. Refused July 2016, being a reversal of the officer recommendation - The proposed replacement house, by reason of its design, appearance, size, bulk, height and rooftop PV panels would appear as an incompatible structure in this part of the Totteridge Conservation Area and would result in a loss of outlook and an overbearing and visually intrusive impact when viewed from No. 5 Horseshoe Lane. The proposal would not preserve or enhance the character or appearance of the conservation area, would be detrimental to the amenities of neighbouring occupiers.

16/0249/CON: Submission of details for condition 11(landscaping) pursuant to planning permission B/05539/14 dated 08.12.14. Refused May 2016, being a reversal of the officer recommendation - The proposed hard landscaping, by reason of its site coverage and proximity to Horseshoe Lane would be excessive and would detract from the open and rural character of the street scene. The proposal would not preserve or enhance the character or appearance of the conservation area.

15/04496/CON: Submission of details for condition 3 (Levels), condition 4 (Materials), condition 5 (Proposed windows) and condition 11 (Hard and soft landscaping) pursuant to planning permission B/05539/14 dated 08/12/14. Split decision issued October 2015 - application approved in respect of conditions 3, 4 and 5. Application refused in respect of condition 11 - landscaping on the grounds that the landscaping would harm the character and appearance of the conservation area.

15/00603/CON: Submission of details of conditions 10 (Demolition and Construction Method Statement), 14 (Trees -Protective Fencing), 15 (Method Statement -Trees), 18 (Demolition Works in Conservation Areas) pursuant to planning permission reference B/05539/14, dated 08/12/2014. Details approved March 2015.

B/05539/14: Demolition of existing dwelling and detached garage. Erection of single storey family dwelling, including basement level and rooms in roof space. Hard and soft landscaping. Approved December 2014.

B/02926/14: Demolition of existing dwelling and detached garage. Erection of single storey family dwelling, including basement level and rooms in roof space. Hard and soft landscaping. Approved at Chipping Barnet Area Planning Committee in September 2014.

B/05763/13: Demolition of existing dwelling and erection of single storey family dwelling, including basement level and rooms in roof space. Hard and soft landscaping and refuse. Refused March 2014.

B/02497/12: Demolition of existing bungalow and garage and construction of replacement dormer bungalow with integral garage. Approved November 2012.

### **3. Proposal**

This application relates to the submission of details pursuant to Condition 11 (Hard and soft landscaping) pursuant to planning permission B/05539/14.

Condition 11 reads as follows:

*A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.*

*Reason: To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).*

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

This application concerns the submission of details pursuant to a condition attached to the original grant of planning permission. Five neighbouring residents were consulted on this application. Six responses have been received:

- The original permission is for the property to be enclosed with a fence with a central pedestrian entrance and a vehicle entrance at the bottom corner where there is a circle for turning. The current application is for an open site. This would change the character and appearance of the lane and would be contrary to the Totteridge Conservation Area Character Appraisal and Management Document, which states: "The most important views and vistas (including Horseshoe Lane) should be maintained and enhanced. Proposals for new development on prominent sites or elevated land must contain sufficient information to enable the impact on longer distance views and the setting of the conservation to be addressed. Any new development must respect the sensitivities of the area".
- There are no other properties in the lane with an open frontage.
- An open frontage would allow the owner to cross the verge at any point to access their property.
- A tree has been removed which was supporting the neighbouring driveway, and it is not clear how the driveway will now be supported.
- The boundary to the field is shown on the drawings as being mainly open to the Green Belt which is contrary to the conservation policy.
- The boundaries must be enclosed with the entrance driveway clearly defined.

Totteridge Residents' Association: So that there is a clear demarcation between the boundary of the property and the Barnet owned verge a boundary fence should be installed. Also to clearly define the access to the property from the public track a pier should be erected each side of the access point and a simple timber gate installed.

In response to the comments above, the applicant's agent has provided the following additional information:

- "On review of the five objections raised in respect of the current planning application for condition 11 landscaping, the general overview of objections raised relates to enclosure of the site. These objections have no bearing on the current landscaping application as enclosure of the site will be subject to a separate application under condition 6".
- "We would therefore kindly request that these objections are discounted in respect of the current application and can be dealt with when we make a formal application under condition 6".
- "In respect of comments regarding tree removal. The report issued as part of the original application by DF Clark references G2 trees as Cherry & Quince (page 10 of 37). If you refer to page 12 of 37 paragraph 2.9 This refers to tree removal and surgery works. This indicates that trees G2 are proposed to be removed. We have therefore removed these trees as indicated in the report".
- "We would also like to note that the objectors make reference to the site boundary between No 7 Horseshoe and the adjoining field and that no enclosure is indicated. This statement is in fact incorrect. The drawing issued with the landscaping application

indicates a hedge to be planted along the first section of the boundary from the site entrance to the property line including flowering cherry trees with a hedge to the rear section of the boundary. The only open section of planting along the boundary will be along the elevation of the house which is to be planted with wild flowers in keeping with the attached field. This section cannot be viewed from Horseshoe lane".

- "The objections also state that the property can be viewed from the adjacent field. I find this hard to believe due to the fact that there is a full tree line enclosing the adjacent field to which the public have no access. The public right of way at the bottom of Horseshoe lane which is tree lined offers no view of No 7".

- "With the above in mind we would kindly request that the current application is recommended for approval".

Totteridge Conservation Area Advisory Committee: An appropriate boundary fence should be installed to differentiate between the Council's verge and the curtilage of the property. Otherwise no objection to scheme provided it relates to the correct planning application.

## **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 27 March 2012. 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 July 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. 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, DM06.

#### Supplementary Planning Documents

Totteridge Conservation Area Character Appraisal.

## **5.2 Main issues for consideration**

As noted above, landscaping details have previously been submitted for the LPA's consideration. The details were refused for the following reason:

*The proposed hard landscaping, by reason of its site coverage and proximity to Horseshoe Lane would be excessive and would detract from the open and rural character of the street scene. The proposal would not preserve or enhance the character or appearance of the conservation area and would be contrary to Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), and Policies DM01 and DM06 of the Development Management Policies DPD (adopted September 2012).*

Therefore, the main issue for consideration in the current application is whether the submitted details overcome the previous reason for refusal and are acceptable pursuant to the existing grant of planning permission.

## **5.3 Assessment of proposals**

The proposed scheme of soft landscaping includes new tree planting to the front and rear of the site, and a hedgerow. The planting bed at the front of the site between the parking area and the front boundary would include five trees, to replace those previously removed. There would be a greater number of trees to the front of the site than existed prior to development works commencing. The type and quantity of proposed planting to the front of the site is considered to preserve the rural character and appearance of this part of the Totteridge Conservation Area.

In respect of the hard surfacing, the current scheme proposes one single point of vehicle access to be taken from the northern-most part of the site frontage, in the location of the previous vehicular access to the original dwelling on the site. The driveway would then sweep back into the site up to the proposed integral garage. The driveway would relate acceptably to the soft landscaping in the form of lawn and trees, to ensure that the resultant site retains a rural and verdant appearance in keeping with the sensitive location of this site in the Green Belt and Totteridge Conservation Area.

It should be noted that planning application 16/2448/S73 was refused on the grounds that the proposed house, by reason of its design, appearance, size, bulk, height and rooftop PV panels would appear as an incompatible structure in this part of the Totteridge Conservation Area and would result in a loss of outlook and an overbearing and visually intrusive impact when viewed from No. 5 Horseshoe Lane. That application included a proposed landscaping scheme which matches that submitted as part of the current application. No objections were raised in the committee report to that application in respect of the proposed landscaping scheme, and the reason for refusal for that application did not refer to any element of the proposed landscaping scheme.

On the basis of the above, the submitted details are considered to preserve the character and appearance of the site and this part of the conservation area and are considered acceptable.

## **5.4 Response to Public Consultation**

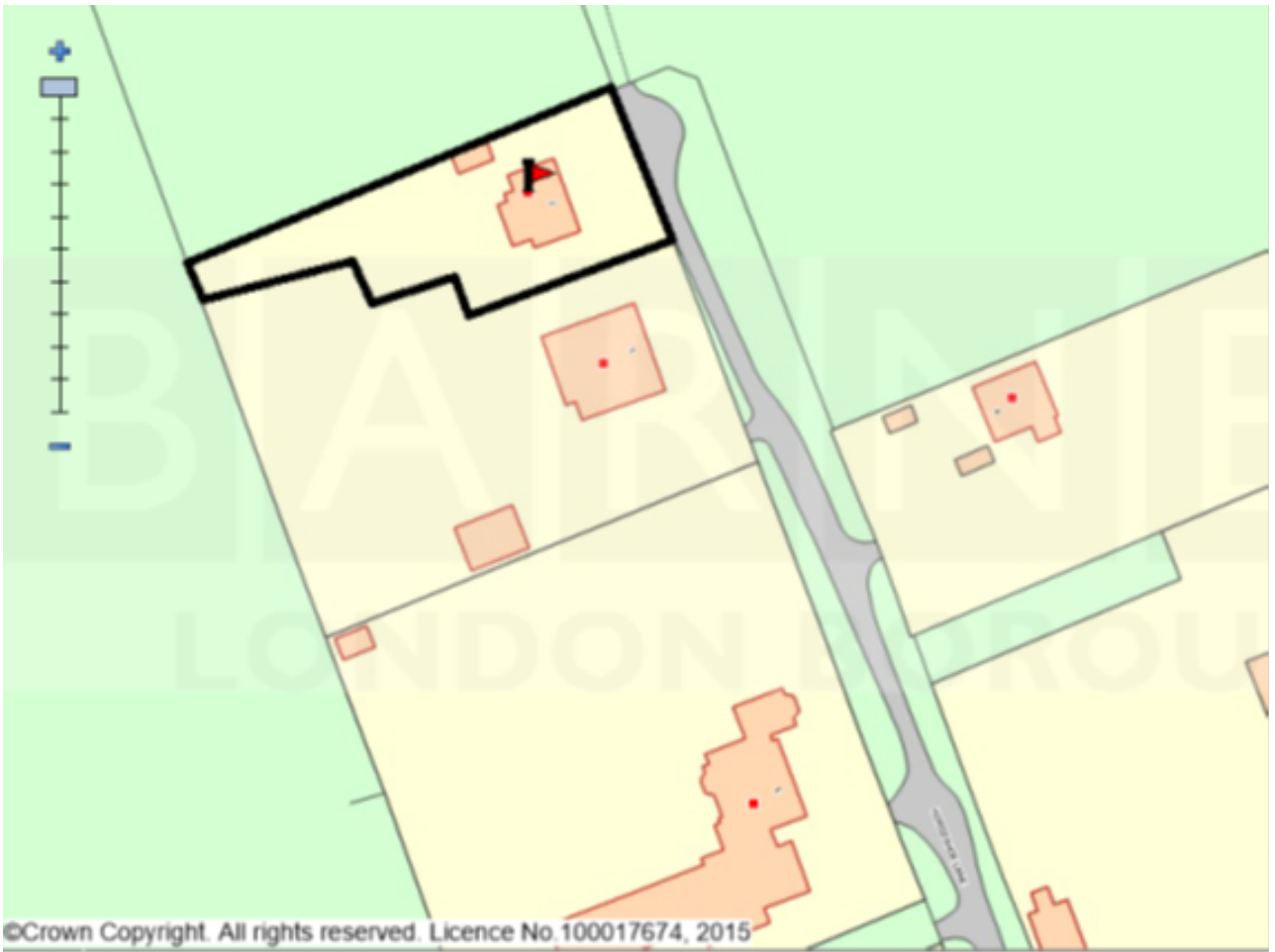
A number of responses make reference to Condition 6 attached to the original grant of planning permission which requires details of the means of site enclosure to be submitted to and approved in writing by the Local Planning Authority before the development is first occupied. However those comments are not relevant to this current application.

## **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 details submitted as part of this application are acceptable pursuant to the planning condition referred to, and would ensure the approved building and its setting would not be detrimental to the character and appearance of the conservation area. This application is therefore recommended for approval.



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