

Location **55 Cranbourne Gardens London NW11 0HU**

Reference: **17/7572/HSE** Received: 29th November 2017
Accepted: 4th December 2017

Ward: Golders Green Expiry 29th January 2018

Applicant: Mr Fried

Proposal: Demolition of existing dwelling. Construction of part two-storey, part three-storey (including lower ground floor level) single family dwellinghouse with rooms in roofspace. Associated alterations to hard and soft landscaping

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

1 The plans accompanying this application are:

Location Plan Drawing No 1625-PL-000
Existing Site Plan Drawing No 1625-PL-001
Existing Ground Floor Plan Drawing No 1625-PL-101
Existing First Floor PPlan Drawing No 1625-PL-102

Proposed Front Elevation Drawing No 1625-PL-310
Lower Ground Floor Landscape Plan Drawing No 1625-LA-301 Rev 0
Ground Floor Landscape Plan Drawing No 1625-LA-302

Proposed Rear Elevation Drawing No 1625-PL-311
Proposed Side Elevation Drawing No 1625-PL-312
Proposed Side Elevation Drawing No 1625-PL-313
Proposed Side Elevation Drawing No 1625-PL-314
Section A-A Drawing No 1625-PL-330
Sections B-B, C-C, D-D and E-E Drawing No 1625-PL-331

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Building to Plot Ratios Drawing No 1625-PL-250
Proposed First Floor Plan Drawing No 1625-PL-303

Proposed Ground Floor Plan Drawing No 1625-PL-302
Proposed Lower Ground Floor Plan Drawing No 1625-PL-301
Proposed Roof Plan Drawing No 1625-PL-305
Proposed Second Floor Plan Drawing No 1625-PL-304

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- 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 Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 4 The roof of the ground floor and lower ground floor, 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 Before the building hereby permitted is first occupied the proposed dormer window(s) in the eastern elevation facing 53 Cranbourne Gardens shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 6 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

- 7 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

- b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 8 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. 1625-PL-302 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A,B,C,D,E and F of Part 1 of Schedule 2 of that Order shall be carried out within the area shown on the Location Plan hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent TPO trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 10 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 11 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 12 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 13 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall be commenced until 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) and Policy 7.21 of the London Plan 2015.

14 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

Informative(s):

1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

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

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

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government

at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

Officer's Assessment

1. Site Description

The application site is situated at 55 Cranbourne Gardens. The site currently contains a two storey detached dwelling which exhibits a hipped and tiled roof form with a central front gable wall projection and front bay window projections.

The site is within a predominately residential area characterised by large detached houses.

The application site is not situated within a conservation area, and does not contain any heritage listed structures or protected trees. It is not identified as being within a Flood Risk Area, or subject to any other known planning restrictions.

Recent planting has been carried out along the boundary of the site with the rear gardens of properties along Park Way.

2. Site History

Reference: 17/1913/FUL

Address: 55 Cranbourne Gardens NW11 0HU

Decision: Refused

Decision Date: 10.11.17

Description: Demolition of existing dwelling and construction of a new two storey dwelling with basement and room in roofspace. Associated hard and soft landscaping, parking, refuse and recycling

Reason for refusal: The proposals, by reason of its scale, siting, size, height bulk and massing on the west elevation in close proximity to the boundaries with 1, 3 and 5 Park Way would appear oppressive, visually dominating and have an overbearing appearance which would result in the occupiers of these properties suffering an unacceptable loss of residential and visual amenity. The proposal would be contrary to Policy DM01 of the Adopted Barnet Development Management Policies 2012 and Residential Design Guidance.

Reference: C06881

Address: Land adjoining 55 Cranbourne Gardens NW11

Decision: Refused

Decision Date: 1979

Description: Three storey detached house with integral garage

Reference: C06681A

Address: Land adjoining 55 Cranbourne Gardens NW11

Decision: Approved subject to conditions

Decision Date: 1981

Description: Vehicular Access

Reference: C06881A

Address: Land adjoining 55 Cranbourne Gardens NW11

Decision: Refused- Appeal dismissed (T/APP/N5090/A/87/062407)

Decision Date: 1986

Description: Erection of three storey detached house with garage, two vehicular accesses and landscaping.

Summary: The site has been subject to applications in the past to construct a new dwelling. The previous applications made at the site have been for larger dwellings. It is noted that with the exception of the most recent refusal, the previous two applications are historic and the decisions carry limited weight due to the length of time which has passed and the change in policy.

3. Proposal

The proposal is to demolish the existing dwelling and construction of a new two storey dwelling with basement and rooms in roofspace. Associated hard and soft landscaping, parking, refuse and recycling.

The proposed dwellinghouse has a total width of 18.2 metres with an additional recessed bay to the side of the property giving a total width of 20 metres. The proposed dwellinghouse has 2 no. front outriggers that projects 1.1 metres in depth beyond the front elevation wall of the main body of the dwellinghouse and they have a width of 5.7 metres. The dwelling has a height of 10 metres.

The proposal includes a Front dormer measuring 2.8 metres in width, 1.6 metres in height and depth of 0.7 metres.

The rear dormer is 2.8 metres in width, 1.6 metres in height and 0.7 metres in depth.

The proposed dwellinghouse has a side dormer to each side elevation measuring 1.9 metres in depth, 2.8 metres in width and 1.6 metres in height.

The total depth of the dwelling is 14.6 metres including a single storey rear extension of 3.4 metres in depth. The single storey element has a height of approximately 4.8 metres from floor level and 5 metres including the pyramid roof light.

4. Public Consultation

Consultation letters were sent to 11 neighbouring properties.
8 responses have been received, comprising 8 letters of objection.

The objections received can be summarised as follows:

- o Loss of privacy- the proposed structure will be situated extremely close to the boundary fence and closer than existing will result in a loss of privacy. There are more windows proposed in the rear elevation than in the existing dwelling.
- o The proposed dwelling appears out of scale with neighbouring properties. The height is exacerbated by the fact that properties in park way are at a lower level to those in Cranbourne Gardens
- o Loss of light to neighbouring properties
- o Impact on water drainage
- o The removal of trees and shrubs from the site has already impacted the outlook for neighbours and neighbours views will be replaced with brick walls
- o Disruption to neighbours as a result of noise, dust and construction activities.
- o Overdevelopment of the site from 205m² to 732m²
- o Concerned there will be additional balconies and external staircases which will affect privacy and amenity. Request a condition preventing any balconies
- o Loss of parking

- o Pollution and noise from the lower ground floor plant room which is at level with neighbouring ground floor. Concerned the location and use of the plant could have an adverse impact on neighbouring amenity.
- o A scheme was refused in 1979 and 1986 and upheld with appeal. This scheme is of a similar scale and should be refused for the same concerns regarding overlooking and impact on character and visual amenities of residents.
- o Description is incorrect and the Council are deliberately misleading the public as this is a dwelling built over 4 floors.
- o The dwelling does not comply with Barnet Residential Design guidance

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 Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, 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 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for

adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

1. Whether harm would be caused to the character and appearance of the street scene and the wider locality.
2. Whether the proposed dwelling would provide suitable accommodation for future occupants.
3. Whether harm would be caused to the living conditions of neighbouring residents.
4. Sustainability/Environmental Issues
5. Highways and parking

5.3 Assessment of proposals

Whether harm would be caused to the character and appearance of the street scene and the wider locality.

The proposed dwellinghouse has a total width of 18.2 metres with an additional recessed bay to the side of the property giving a total width of 20 metres. The proposed dwellinghouse has 2 no. front outriggers that projects 1.1 metres in depth beyond the front elevation wall of the main body of the dwellinghouse and they have a width of 5.7 metres.

The height of the dwelling from finished ground level in front of the property is 10 metres. The site slopes down half a metre from pavement level resulting in the dwelling having a height of 9.5 metres when taken at the footpath and street level.

Policy DM01 in Council's Development Management Policies DPD stipulates 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.

The proposal is considered to represent a significant increase in the mass and volume of the existing building on the application site. At 20 metres, the width of the proposed dwellinghouse is noticeably wider than the average building frontage on Cranbourne Gardens, which generally span between approximately 7 and 15 metres. The application site however, has a maximum width of 40 metres, which is significantly wider than the average width of the plots in the surrounding area, so therefore the width of the proposed dwellinghouse would not appear incongruous within the site. The applicant has provided a comparison of the dwellinghouse within the site compared to surrounding plots and the building to plot ratio is not disproportionate or out of scale with the pattern of development in the area.

It is noted that there are properties on Cranbourne Gardens that have building frontages that span wider than the average. No. 36 Cranbourne Gardens is a two storey single family dwellinghouse with a width of approximately 26 metres including its single storey attached garage. This dwellinghouse was erected following the demolition of the existing properties at No. 36 Cranbourne Gardens and No. 38 Cranbourne Gardens. It was approved through application C01274H on 14/12/1999. As application C01274H was approved before Barnet's Local Plan (2012), Barnet's Residential Design Guidance SPD (2016) and Barnet's Sustainable Design and Construction SPD (2016) were published, only limited weight can be given to No. 36 Cranbourne Gardens when assessing the impact that the proposal at No. 55 Cranbourne Gardens would have on the streetscene. While it is considered that the property at No. 36 Cranbourne Gardens demonstrates that buildings with wider than average frontages are acceptable, it must be noted that buildings should not overly dominate the streetscene.

In terms of its visual impact on the streetscene the width of the proposed dwellinghouse is considered acceptable. At 9.5 metres in height from street level, the height of the property is considered acceptable in its setting and is not disproportionate in scale with the heights of dwellings in the area. The applicant has provided drawings showing the proposed dwelling within the streetscene and allowing a comparison to be made in the height of scale of neighbouring properties. The applicant sought pre-application advice which raised some concerns with the height and design of the front outriggers. As a result of discussions, the ridge height of the outriggers has been reduced and the roof design has been amended from a gable end to a pitched roof which reduces the visual prominence of these outriggers considerably.

Due to their size, height and position, the proposed side dormers are not considered to visually clutter the side elevations of the proposed dwellinghouse and nor would they have a negative impact on the character of the streetscene.

The existing site is to be excavated to allow for the construction of the lower ground floor. The basement is proposed to be used for a pool, gym, guest bedroom, playroom, plant room and family lounge. The basement is shown with a total height of 4 metres. The basement internal height is 2.8 metres. The depth of the basement is 16.2 metres. The

basement extends the footprint of the building by 2.8 metres into the front garden. The basement is proposed with an external access from the rear garden recessed approximately 1.1 metres below former ground level. From the rear of the site, the basement will be partially obscured with a sunken access approximately 1.5 metres from finished garden level leaving a portion of the basement of approximately 2 metres visible above finished garden level and the level of adjacent gardens. The site is not within a flood risk area and is identified as clay soils. The principle of a basement is supported and no concerns are raised regarding the suitability of the site to accommodate a basement of this scale. Furthermore, a basement impact assessment is not required under the Sustainable Design and Construction Supplementary Planning Document.

While it is noted the scheme is similar in design to a recently refused scheme 17/1913/FUL, the reason for refusal was concerned with the impact to the amenity of neighbouring occupiers and did not raise objection to the design or scale of the property in terms of character or the impact to the streetscene.

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

Policy DM01 in Council's Development Management Policies DPD stipulates that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

There is a fall in topography from east to west across the locality of the application site. The western side elevation of the proposed dwellinghouse is set back at a minimum distance of approximately 6.5 metres from the rear amenity space at No. 5 Park Way and set back approximately 20 metres from its rear elevation. The western side elevation of the proposed dwellinghouse is also set back at a minimum distance of approximately 8.7 metres from the rear amenity space at No. 3 Park Way set back approximately 27 metres from its rear elevation. While the shortest point of separation of the proposed dwelling in relation to 3 and 5 Park Way has not changed significantly, a 2 metre deep bay window has been removed from along the side elevation since the earlier scheme which increases the overall sense of space between the boundary and overall perception of bulk and massing. A reduction has also been made to the depth and width at the rear of the ground floor level.

The western side elevation wall has a height of 6.9 metres above ground level to the eaves at the front of the application site and total height from finished ground level of 9.1 metres to the eaves. Including the roof, the side elevation has an estimated height of 12.2 metres. The expanse of the side wall measures 11.3 metres with an additional depth of approximately 3.4 with a height of 6.5 metres. An earlier application was refused on the grounds that the size, height and position of the western elevation wall, in addition to the fall in topography from east to west would appear overly dominating and oppressive as viewed from the rear amenity spaces at No. 3 Park Way and No. 5 Park Way and the rear elevations of the property at No. 5 Park Way.

The bay feature protruding toward the neighbouring boundary has now been removed which provides more open space along the side boundary of the proposed dwelling. There is no reduction to the height of the wall. In addition, there have been reductions to the rear formal dining room at ground floor. The width of the rear formal dining room has been reduced away from the side boundary. These alterations have reduced the bulk and massing of development on the corner closest to the boundary with 3 and 5 Park Way.

Since the previous application, the applicant has designed and began to implement a landscaping scheme providing screening to the boundary on Park Way. The previous refusal acknowledged that ' While the soft landscaping helps break up the visual impact to a degree, due to the size of the proposed dwellinghouse and the topography of the site, soft landscaping alone is not considered adequate to address the issue of the overbearing impact.' The applicant has now taken steps to further reduce the scheme by removing the rear most bay projection and reducing the footprint by squaring of the rear corner of the dwelling closest to the boundary with 3 and 5 Park Way. Officers consider that this soft landscaping, in addition to the amendments made, will mitigate the perceived visual impact of this development.

It is noted that in 1987 an appeal was dismissed for the erection of a 3 storey house on the land adjoining 55 Cranbourne Gardens (ref: C06881A). The appeal inspector stated 'I am concerned at the scale of the proposal, entailing building across the entire width of the site, with gaps of 1 metre or less between the buildings and the site boundaries to either side'. The applicant has had pre-application advice with Council officers and reductions were made to the width of the property after comparisons were made to the appeal scheme. In a subsequent pre-application scheme and in the refused application, officers sought a further reduction away from the boundary with Park Way particularly in light of the appeal decision. While the previous schemes were not considered to have overcome the concerns that the proposed house would have an overbearing impact on the adjoining properties on Park Way, the proposal has been further amended since the previously refused scheme. Given the reductions made since the previously refused scheme to reduce the scale of the property in relation to the neighbouring properties, officers consider the impact on the amenity of neighbouring occupiers is now acceptable. While there are comparisons between the previous appeal scheme and the current proposal, it is acknowledged that the proposed scheme is now at its closest, more than 6.5 metres from the boundary with Park Way which is now considerably greater separation than the earlier appeal scheme. Conditions have been recommended including a detailed maintenance plan to ensure the replacement and management of the landscaping on the site.

The eastern side elevation wall of the proposed dwellinghouse is positioned at an acute angle to the western side elevation of No. 53 Cranbourne Gardens. The proposed dwellinghouse's eastern side elevation wall is set back at a minimum distance of approximately 1.2 metres from the boundary with No. 53 Cranbourne Gardens. The road Cranbourne Gardens curves to the west as it goes north and the rear elevation of the proposed dwellinghouse follows the building line. Due to its size, height and position, the proposed dwellinghouse is not considered to cause the occupiers of No. 53 Cranbourne Gardens to suffer a material loss of amenity as a result of a loss of outlook, or a loss of daylight/sunlight and nor would it have an overbearing impact on these properties.

Barnet's Sustainable Design and Construction SPD (2016) states that in new residential development there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. The proposed side dormer on the western elevation is set back approximately 10 metres from the rear amenity space at No. 3 Park Way and set back approximately 29 metres from its rear elevation. The proposed side dormer on the western elevation of the proposed dwellinghouse is set back at a minimum distance of approximately 17 metres from the rear amenity space at No. 1 Park Way and set back approximately 27 metres from its rear elevation. It is not considered that the proposed side dormer on the western elevation would overlook the rear amenity space at No. 3 Park Way. It is also noted the existing property benefits from a balcony at first floor to the south-west corner of the dwelling. The proposed new dwelling would remove this balcony.

Although the new dwelling will be wider and closer than the existing balcony, the windows at first floor will serve bathroom windows and will not offer any outlook.

The proposed side dormer on the eastern elevation is set back at a minimum distance of approximately 3.3 metres from the boundary with No. 53 Cranbourne Gardens and are a minimum distance of approximately 6.1 metres from the first floor of the western boundary wall of this property. There is a window on the first floor of the western side elevation of No. 53 Cranbourne Gardens and there are 2 no. roof lights on the western roof plane of No. 53 Cranbourne Gardens, which the proposed side dormer would overlook. Due to the position in relation to No. 53 Cranbourne Gardens it is considered necessary that the eastern side dormer be obscure glazed and permanently fixed shut unless the part of the window that is open able is 1.7 metres above the floor level of the room that it serves. This could be a condition of consent if the application were approved.

Whether the proposed dwelling would provide suitable accommodation for future occupants.

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.

Floor Area:

Table 2.2: '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 m² and is at least 2.15m wide to comply with the nationally described space standard.
- Double/twin bedroom: minimum area should be 11.5 m² and minimum width should be 2.75 m to comply with the nationally described space standard.

All of the bedrooms in the proposed dwellinghouse meet these requirements.

Light/outlook:

Barnet's Sustainable Design SPD (Oct 2016) states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room. Furthermore, habitable rooms should have an adequate standard of outlook.

Concerns were raised in the pre-application stage regarding the amount of glazing and outlook for bedrooms in the second floor. The current proposal is for 2 bedrooms in the second floor. The bedrooms on the second floor have the following internal dimensions and glazing:

Eastern Bedroom floor space: 15.2m²

Glazing required: 3 metres

Glazing provided: 3 metres

Western bedroom floor space: 15.9 m²

Glazing required: 3.1metres

Glazing provided: 3.1 metres

The bedrooms in the second floor demonstrate compliance with the minimum standard for glazing however as the dormer window in the eastern elevation must be obscure glazed then the eastern bedroom would be reliant on one narrow rooflight facing the rear garden which is less than 1 metre in width. Whilst this would not strictly comply with the Residential Design Guidance Supplementary Planning Document in terms of outlook, it is not considered harmful given the remaining bedrooms have an acceptable outlook.

Sustainability/Environmental Issues

The Local Planning Authority seeks compliance with local and London wide planning policies on the achievement of relevant housing technical standards, reducing water usage, accessibility, and minimising carbon dioxide emissions from new development. Should an application be granted suitable conditions on these matters would be imposed.

The applicant has provided an energy and sustainability statement outlining that the expected carbon dioxide reductions on the site are 14.9% and the development would achieve a mains water consumption of 105 litres per head per day or less.

Highways and Parking

The plans show one dedicated off street parking bay and generous area of hardstanding in front of the property to accommodate vehicle access and parking. A condition will be included to ensure the parking is provided.

5.4 Response to Public Consultation

- o Loss of privacy: the dormers will be obscurely glazed on the eastern elevation to prevent overlooking. The windows in the rear elevation are not considered to overlook the neighbouring properties.
- o The proposed dwelling appears out of scale: an assessment has been made above
- o Loss of light to neighbouring properties: The building is not considered to result in a loss of light detrimental to the neighbouring properties.
- o Impact on water drainage: Sufficient garden is retained on the site and there are no flood risks known at this site.
- o The removal of trees and shrubs from the site has already impacted the outlook for neighbours and neighbours views will be replaced with brick walls: there is no protection on the previously existing vegetation and its removal is not part of this application.
- o Disruption to neighbours as a result of noise, dust and construction activities: a condition requiring a construction management plan will be included to provide details of construction activities and minimise impact to neighbouring occupiers. A condition of construction working hours will also be included.

- o Overdevelopment of the site: the scale of development on the site is not considered to harm the character of the area.
- o Concerned there will be additional balconies and external staircases which will affect privacy and amenity: a condition will be added that the flat roofs will not be used as a balcony. Any further balconies will need permission and will be considered on their own merits.
- o Loss of parking
- o Pollution and noise from the lower ground floor plant room which is at level with neighbouring ground floor: The plant is not considered to generate adverse noise or pollution harmful to residential amenity.
- o A scheme was refused in 1979 and 1986 and upheld with appeal. This scheme is of a similar scale and should be refused for the same concerns regarding overlooking and impact on character and visual amenities of residents: addressed above.
- o Description is incorrect and the Council are deliberately misleading the public as this is a dwelling built over 4 floors: the description has been carefully considered. The proposal is a two storey dwelling with 4 levels of accommodation- including a lower ground

floor and roof level accommodation. The suggested description of a 4 storey dwelling would not be as accurate as that used by the LPA.

o The dwelling does not comply with Barnet Residential Design guidance: assessment made above.

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.

