

Location **6 Bosworth Road Barnet EN5 5LX**

Reference: **17/7712/FUL** Received: 6th December 2017
Accepted: 6th December 2017

Ward: High Barnet Expiry 31st January 2018

Applicant: Mr Paul Artemi

Proposal: Demolition of existing detached bungalow and erection of a three storey detached block with rooms in roofspace and rear dormer to provide 6no. self-contained flats with associated amenity space, refuse storage and off-street parking spaces

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 development hereby permitted shall be carried out in accordance with the following approved plans:

1750-01-E (Existing and Proposed Street Scenes and Location Plan), 1750-02-E (Existing and Proposed site plans and Section A-A), 1750-03-E (Proposed Ground and First Floor Plans), 1750-04-D (Proposed Second and Third Floor Plans), 1750-05-D (Proposed Roof Plan). 1750.06.12.17 (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 shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other

changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

4 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.

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) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

6 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing the building known as Catherine Court 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).

- 7 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 elevation facing no.8/10 Bosworth Road and Catherine Court.

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).

- 8 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 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, 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).

- 9 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 April 2013) and 7.21 of the London Plan 2015.

- 10 a) Before the development hereby permitted is first occupied, details of the subdivision of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority including details of the enclosure of amenity space for the ground floor flat.

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).

- 11 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.

- 12 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).

- 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 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) and policies 5.2 and 5.3 of the London Plan (2015).

- 14 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 London Plan (2015).

- 15 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 3.8, 7.2 and 7.6 of the London Plan (2015) and policies DM02 and DM03 of the Barnet Development Management Policies document (2012).

- 16 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.

- 17 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. 1750-02 E; 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.

- 18 Prior to the commencement of the development, a detailed drawing of the one way access arrangement with vehicular entrance from public highway shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the proposed one way operation has been implemented and signed in accordance with the approved details. The access thereafter shall only be used as approved.

Reason

To ensure that the access is satisfactory in terms of highway safety and 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.

- 19 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and

Logistics Plan submitted shall include, but not be limited to, the following information:

- 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.

Reason

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13 , CS14, DM01, DM04 and DM17 of the Barnet Local Plan and polices 5.3, 5.18, 7.14 and 7.15 of the London Plan.

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. 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 Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance towards any damage to the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic related to the proposed development. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or

extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.

- 3 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 4.8 meters.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

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, Barnet House, 1255 High Road, Whetstone N20 0EJ.

- 4 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.

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 or by telephoning 0208 359 4500.

- 6 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary.

Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

- 7 With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Officer's Assessment

Officer's Assessment

1. Site Description

The application site is currently a cleared site, the detached bungalow which stood on the site has been demolished. The site is located on the northern side of Bosworth Road within the High Barnet ward. Nos. 8-10 Bosworth Road is a two storey semi-detached property located to the west of the application site. Catherine Court is a 3 storey detached building located to the east of the application site.

Due to the change in ground levels, the building is sited at a higher level than the road.

The area has a mixed character with a variety of flatted development, of varying heights, and semi-detached single family dwellings.

The application site is not located within a conservation area and nor does it contain a listed building.

2. Site History

Reference: N15865/07

Address: 6 Bosworth Road, Barnet, EN5 5LX

Decision: Withdrawn

Decision Date: 9 January 2008

Description: Demolition of existing bungalow and erection of two dwelling houses (2 storey plus accommodation in roofspace to front and single storey plus accommodation in roofspace to rear).

Reference: N15865A/08

Address: 6 Bosworth Road, Barnet, EN5 5LX

Decision: Refused

Decision Date: 2 April 2008

Description: Demolition of existing bungalow and erection of two dwelling houses (2 storey plus accommodation in roofspace to front and single storey plus accommodation in roofspace to rear).

Reference: 16/0276/FUL

Address: 6 Bosworth Road, Barnet, EN5 5LX

Proposal: Demolition of existing detached bungalow and erection of a three storey detached block with rooms in roofspace and rear dormer to provide 6no. self-contained flats with associated amenity space, refuse storage and off-street parking spaces.

Decision: Approved subject to conditions.

Decision Date: 20 May 2016

Reference: 16/7668/OUT

Address: 6 Bosworth Road, Barnet, EN5 5LX

Proposal: Demolition of existing detached bungalow and erection of a three storey detached block with rooms in roofspace and rear dormer to provide 6no. self-contained flats with associated amenity space, refuse storage and off-street parking spaces.

Decision: Approved subject to conditions.

Decision Date: 03 February 2017

Reference: 17/6330/FUL

Address: 6 Bosworth Road, Barnet, EN5 5LX

Proposal: Demolition of existing detached bungalow and erection of a three storey detached block with rooms in roofspace and rear dormer to provide 6no. self-contained flats with associated amenity space, refuse storage and off-street parking spaces

Decision: Refused.

Decision Date: 05 December 2017

Reason(s)

The proposed dwelling by reason of its size, siting, and design would result in loss of outlook and an increased sense of enclosure to No. 8 - 10 Bosworth Road contrary to policy CS5 of the Local Plan Core Strategy (Adopted September 2012), and policies DM01 of the Local Plan Development Management Policies DPD (Adopted September 2012) and the Residential Design Guide (2012).

Reference: 17/7331/CON

Address: 6 Bosworth Road, Barnet, EN5 5LX

Proposal: Submission of details of condition 19 (Demolition and Construction Method Statement) pursuant to planning permission 16/0276/FUL dated 20/05/16

Decision: Refused.

Decision Date: 28 December 2017

Reason(s)

o Insufficient information has been provided in the Construction Method Statement (condition 19) to enable officers to properly assess that the interests of good air quality have been met, contrary to policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 of the London Plan (2015).

3. Proposal

The application seeks planning consent for the demolition of existing detached bungalow and erection of a three storey detached block with rooms in roofspace and rear dormer to provide 6no. self-contained flats with associated amenity space, refuse storage and off-street parking spaces.

The proposed flats would be comprised of:

- 2 x studio flat approx. 32sqm (1 person)
- 3 x 2 bed flats approx. 61 sqm (3 persons)
- 1 x 2 bed flat approx. 68sqm (4 persons)

The proposed block of flats would be approx. 6.8m high and have a three storey front and rear outriggers. The dimensions for the proposed developments is as follows:

The western wing

Ground floor - the depth will be approx. 9.4m, width 5.4m, narrowing to 3.4m at the rear

Second floor - the depth would be 8.8m , width at the front is approx. 5.4m and at the rear 3.4m.

Third Floor - depth will be 8.8m, width would be 3.5 at the front widening to 4.4m to the rear.

Eastern Wing

Ground floor - the depth will be approx. 15.3m, width 4.7m and 6.4m at the rear

Second floor - the depth would be approx. 15.3, width at the front 4.7m and at the rear 6.4m

Third floor - depth approx. 14.4m, width 5.5m at the front and 4.2m at the rear

The depth of the bay windows to the front and rear would be approx. 1m

The proposal is almost identical to the application approved by Committee in May 2016 (16/0276/FUL) and an outline application (16/7668/OUT) approved under delegated authority. The outline application (16/7668/OUT) introduced an internal lift access and dormer to provide adequate internal space for the lift and the stairwell. Another application (17/6330/FUL) was made "to take account of; the real width of walls, the real thickness of floors, the actual size and over-run height of a lift shaft that will allow the installation of a Building Regulations Part M2 lift car and to correct a drawing error to align the first, second and third floor rear wall with the ground floor wall of the undercroft". This application was refused on the basis that it would result in loss of outlook and an increased sense of enclosure to No. 8 - 10 Bosworth Road.

The plans have been revised at the first and second floor to broadly have the same depth as the approved plans. In addition, the revisions include realigning the position of the building to take into account the site survey carried out; realigning the ground floor rear wall of the undercroft so that it aligns with the step in the side wall of 8/10 Bosworth Road.

Following submission, the design of the upper floors was changed to provide a bay to the front and rear of the 1st and 2nd floor studio flats to achieve the required space standards. The proposed bays mimic the front window bays of Nos. 8, 10 and 12 Bosworth Road. The rear bay has been designed to ensure that it does not breach a line drawn at 45° from the rear corner of the building so as not to affect the amenities of occupiers of Nos 8 and 10 Bosworth Road.

The proposed flank wall of the development will have the same depth at 8.5m as the approved plan at ground floor and upper floors. The proposed will be setback from the boundary with 8 Bosworth Road by approx. 1.5m, the proposed set back would be more generous than the approved setback which is approx. 0.8m. The proposed development would be set back from Catherine Court by approx. 1.9m this would be closer than the approved scheme which is 2.4m.

The proposed dormer projects from the rear roof plane of the main body of the proposed block of flats to the western roof plane of the three storey rear outrigger. The proposed dormer has a pitched roof with an eaves height of 1.5 metres and ridge height of 3.25 metres. It has a maximum width of 2.3 metres and a maximum depth of 5.45 metres.

4. Public Consultation

Consultation letters were sent to 79 neighbouring properties.

6 responses have been received, comprising 6 letters of objection.

The objections received can be summarised as follows:

- Demolition of the bungalow took place prior to the application
- Parking
- Access to proposed car park is narrow
- Demolition has resulted in subsidence as No 8, 12 and Catherine Court were built on London Clay.
- Property values

- Impact on character of the area

A site notice was erected on 21/12/2017.

Consultee Comments:

Thames Water - No Objection.

Highways: Recommend approval subject to conditions and informatives

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 2016 MALP

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 London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London 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, CS4, CS5, CS9, CS15.

- Relevant Development Management Policies: DM01, DM02, DM03, DM08, 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

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:

- The principle of the development and whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal;
- The living conditions of future occupier;
- The impact on the amenities of neighbouring occupiers;
- Parking and highways.

Principle of the development and impact on the character

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. However, whilst the NPPF advocates that planning should not attempt to impose architectural styles or particular tastes it is considered proper to seek to promote or reinforce local distinctiveness.

Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development, and in this case the building should respect the character of Bosworth Road.

The existing building is not of any architectural merit and therefore the principle of demolition of the existing single family bungalow is considered to be acceptable.

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, particularly in town centre locations. However, they normally involve an intensification of use, creating more activity and which 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. In this case, it would be considered that flatted development would be suitable on this site. The Council's Characterisation Study identifies an array of different typologies within the New Barnet area. In the immediate vicinity, there are two purpose built blocks of flats; Catherine Court immediately to the east of the host site and Sandford Court to the west. Whilst it is acknowledged that the road is predominantly characterised by single family dwelling houses,

there are examples of flatted development on the road, particularly within 20 metres of the site and as such the erection of a block of flats is considered to be acceptable given the varied character of the area.

The previous applications were approved on the basis that the front flank wall of the three storey front outrigger of the proposed block of flats has a width of 5.65 metres and it would project beyond the building line of the existing bungalow, in line with the front elevations of Nos. 8-10 Bosworth Road. The front elevation wall of the proposed block of flats is positioned at approximately the same level as the front elevation wall of the existing bungalow on the site so therefore the relationship between the front elevation of the property on the application site and the front elevation of Catherine Court will be unchanged. The proposed front bay window will project beyond the front building line by approx. 0.6m and the rear bay window will project beyond the rear building line by approx. 0.5m. The additional depth created by the addition of the bay windows will not unduly impact upon the character of the area. It is considered therefore that the building will relate positively to the varied building lines of both adjoining buildings. However at the rear, the outermost rear building line would not reflect that of Nos. 8-10 Bosworth Road and No. 12 Bosworth Road.

The proposed dormer is as approved previously. Due to its size, height and position, the proposed dormer that projects from the rear roof plane to the western roof plane of the three storey rear outrigger is not considered to visually over dominate the rear elevation of the proposed block of flats and nor would it have a negative impact on the character of the streetscene.

There are other examples of undercroft parking on this section of the road, both at Sandford Court and at Catherine Court and as such this would not be feature out of character with other development on the road. A condition requiring further details of the one way access arrangement prior to commencement will be attached in the event of planning permission being granted.

The proposal includes a new fence, however details were not shown on the plan. Details of the proposed fence at the boundary with No 8 - 10 Bosworth Road, would be required and a condition attached in the event of planning permission being granted.

Impact on amenity of neighbouring & future occupiers

One of the Councils key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Any development, particularly in a constrained site should ensure that the amenities of neighbouring occupiers are respected. All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD (October 2016) and the London Plan (MALP 2016). In addition, flats are expected to provide suitable outlook and light to all habitable rooms whilst not compromising the amenities of neighbouring occupiers. The units all comply with the minimum space standards in this regard the proposal would provide adequate accommodation for future occupiers.

The flats would benefit from a large communal garden at the rear of the site and the ground floor would have a private garden, which would be in excess of the minimum standards of

outdoor amenity space required as stipulated in the Sustainable Design and Construction SPD.

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. The applicant should achieve the required sound insulation levels; this will be enforced by an appropriate condition attached to the decision.

The Council's SPD 'Residential Design Guidance' states that new buildings and extensions should normally be subordinate and respect the original building. The Council's guidance advises that new development 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 building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed. Officers do not consider that there would be an unacceptable level of overlooking into the gardens of adjacent occupiers. The windows on the flank elevation do not serve habitable rooms and therefore these will be conditioned to be obscured glazed.

The approved plans (16/0276/FUL) of the wing adjacent to No 8-10 Bosworth Road had a depth of 8.45m on the ground, first and second floor. The plans were approved by Committee members on the basis of the report which stated that "with regards to the impact on no.8 and 10 Bosworth Road, the scheme has been amended to recess the building line at this boundary to the same level as the building line of no.8 and 10.

The setback between the application site and 8 and 10 Bosworth Road would increase by approx. 0.7m.

The projecting wing of the proposed development would be sited approximately 4.8m from the boundary with no.8 and 10 Bosworth Close and although the outlook from the windows of the neighbouring property would be reduced, it is not considered that this would be to an unacceptable level given the distance from the boundary and the depth of this wing matching the depth of the wing at no.8 and 10."

The three storey rear outrigger would project approximately 3.3m beyond the rear elevation of Catherine Court. It would be set back approximately 1.7 metres from the western side elevation of this property. Given the distance from the boundary and relatively modest projection, it is not considered that this would appear overbearing or result in loss of outlook to the detriment of these occupiers. It should be noted that the approved plans shows a setback of approx. 2.4m, the difference therefore is not so significant as to have an impact on the occupiers of Catherine Court.

There are several examples of flatted development in the area surrounding the application site. Parking spaces located at the rear of properties are also a characteristic of the area, with Catherine Court being an example of a property with parking at the rear. For these reasons it is considered that the proposal would not result in the occupiers of neighbouring and adjoining properties suffering a material loss of amenity as a result of future occupiers of the proposed block of flats coming and going from the application site and using the parking facilities.

Highways

Officers have consulted with the Council's Highways team, who have assessed the scheme in terms of the impact on highways.

The applicant is making provision for 6 car parking spaces at the rear of the site. The proposed car parking provision is in accordance with Policy DM17 of the London Plan and is therefore acceptable on highways grounds.

Highways officers requested that the doors used to access the meter cupboard along the vehicular access to the car parking area must not open outwards as this will cause health and safety issues. The plan has been revised to reflect this.

Further details of the height of the undercroft access to the car parking area need to be provided and approved prior to commencement of the development. A condition will be attached in the event the application is granted.

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 is required

The application is recommended for approval on highway grounds, subject to conditions and informatives.

Waste and Recycling

Policy CS14 of the Council's Core Strategy dealing with waste requires developments to provide waste and recycling facilities which fit current and future collection practices and targets. A refuse and recycling storage location is shown on the plans. The refuse storage facilities would be located underneath the undercroft. However information has not been provided as to the size of the refuse bins. A condition requesting details of refuse and recycling storage facilities would be required in the event planning permission is granted.

Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition is attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant did not carry out an energy assessment for the proposed development. However according to the planning statement, the developer will ensure CO2 emissions from the development will be reduced to zero. And the level of carbon dioxide emission will be less than required by the national Building Regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy.

In terms of water consumption, a condition is attached 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 5.15 of the London Plan (2016 Minor Alterations).

5.4 Response to Public Consultation

- Demolition of the bungalow took place prior to the application. The site has the benefit of planning permission, nevertheless, it should be noted that planning permission is not required for the demolition of a building outside a conservation area.
- Parking. This has been addressed in the sections above.
- Demolition has resulted in subsidence as No 8, 12 and Catherine Court was built on London Clay. Issues of subsidence is not a planning matter and cannot be taken into consideration in assessing the plans.
- Property values. Property values is not a matter for planning considerations and therefore cannot be taken into consideration in assessing the plans.
- Impact on character of the area. Considered as part of the assessment above.
- Access to proposed car park is narrow - This has been addressed in the sections 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.

