

Location	39 Lullington Garth London N12 7LT	
Reference:	18/4996/FUL	Received: 13th August 2018 Accepted: 14th August 2018
Ward:	Totteridge	Expiry 9th October 2018
Applicant:	Akiva Lawson	
Proposal:	Erection of a new two-storey detached dwelling following demolition of existing single storey double garage. Single storey rear extension to existing property at no.39 Lullington Garth. New vehicular access to provide off street parking. Associated refuse and recycling store and amenity space	

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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:

- Site Location Plan (P-000)
- Existing Ground Level (P001)
- Proposed Ground Level (P002)
- Existing Level 1 (P003)
- Proposed Level 1 (P004)
- Existing Level 2 (P005)
- Proposed Level 2 (P006)
- Existing and Proposed North Elevations (P007)
- Existing and Proposed South Elevations (P008)
- Existing and Proposed West Elevations (P009)
- Existing and Proposed North-West Elevations (P010)
- Existing and Proposed North-East Elevations (P011)

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) Prior to their installation, details of the materials to be used for the external surfaces of the building and hard surfaced areas hereby approved shall 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) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

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 Policy 5.21 of the London Plan (2016).

- 6 Before the development hereby permitted is first occupied, the refuse and recycling bins show on drawing no. P002 shall be provided 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).

- 7 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

- 8 a) Prior to first occupation of the hereby approved development, a scheme of hard and soft landscaping to the front forecourt area of both the approved development and no.39 Lullington Garth, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall have been submitted to and agreed in writing by the Local Planning Authority.

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.

- 9 Before the building hereby permitted is first occupied, the proposed flank wall window(s) at first floor level on both the western and eastern elevations facing

no.37 and no.39 Lullington Garth shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 10 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. P002 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.

- 11 Before the development hereby permitted is first occupied, the cycle parking and storage facilities show on drawing no. P002 shall be fully implemented and retained as such thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 12 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).

- 13 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, F, G and H of Part 1 of Schedule 2 of that Order shall be carried out within the area of the application site 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).

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

- 15 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.

- 16 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.

- 17 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.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 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.

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.

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.

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

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

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

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

- 4 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.

Officer's Assessment

1. Site Description

The application site is located on the southern side of Lullington Garth at the junction with Cissbury Ring. The site comprises a two-storey semi-detached dwelling with a detached single-storey double garage adjacent to the site boundary with no.37 Lullington Garth. There are four sets of semi-detached properties located in a planned layout format around the junction with Lullington Garth and Cissbury Ring. The site has a large triangular-shaped rear garden. The surrounding area is characterised by semi-detached single-family dwellings, with a local shopping parade located to the east at the roundabout where Lullington Garth and Chanctonbury Way meet.

The site is not located within a Conservation Area and is neither a statutory or locally listed building. No trees subject to Tree Preservation Orders (TPO) are located within the curtilage of the application site. The application site is located within Flood Zone 1.

2. Site History

Reference: N09349

Address: 39 Lullington Garth, London N12 7LT

Description: Erection of a detached house and garage and a garage for number 39 Lullington Garth.

Decision: Refused

Decision Date: 25/07/1989

Reasons for refusal:

1. The proposed development, by reason of its excessive size and unsatisfactory siting would detract from the character and appearance of the street scene and be detrimental to the visual and residential amenities of the occupiers of adjacent properties.
2. The proposal would result in an unsatisfactory form of development in which the rear garden of the proposed house would be directly overlooked from no.39 Lullington Garth, which would be seriously detrimental to the privacy that the future occupiers of the property could reasonably expect to enjoy.

3. Proposal

- Demolition of existing single-storey double garage;
- Erection of a new two-storey three-bedroom detached single-family dwelling;
- Erection of a single-storey rear extension to 39 Lullington Garth;
- New dropped kerb for vehicular access to 39 Lullington Garth;
- Private amenity space for existing and proposed dwellings;
- Two onsite parking spaces each for existing and proposed dwellings.

4. Public Consultation

Consultation letters were sent to 68 neighbouring properties. 9 public responses were received comprising 0 letters of support, 3 letters of representation and 6 letters of objection. These can be summarised as follows:

Representation:

Woodside Park Garden Suburb Residents Association:

- No objection to the proposal but a condition should be attached which prevents any further extensions to the two houses in the future.
- The new house will be much nicer than looking at an old garage.

Objection:

- The detached house would not be in keeping with the stylistic context of the street of semi-detached properties.
- The development will have a negative impact due to increased noise, overshadowing, loss of privacy and dust and vibration.
- The development will cause traffic and safety concerns resulting from more comings and goings to the site on a busy road.
- Concern about risk of subsidence to adjoining properties due to any deep digging on the proposed detached house.
- Proposed detached house would be out of character and would set an unwelcome precedent.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 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.

The Mayor's Draft London Plan

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 2016 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, CS14.
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM17.

Supplementary Planning Documents

Residential Design Guidance SPD (October 2016)

Sustainable Design and Construction SPD (October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development;
- Whether harm would be caused to the character and appearance of the application site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether adequate amenity would be provided for future occupiers;
- Impact on highways;
- Provision of refuse storage

5.3 Assessment of proposals

Principle of development

As outlined in the site description section above, the predominant character of Lullington Garth and the surrounding area, including Cissbury Ring is residential. There are some small retail shops, with first-floor flats on the corner of Lullington Garth and Chanctonbury Way, but aside from these, two-storey single-family dwellings are the characteristic form and use surrounding the application site. Consequently, the creation of a new two-storey single-family dwelling fronting onto Lullington Garth is considered acceptable in-principle and an appropriate use in keeping with the highlighted character of the area.

Character and appearance

All new development is expected to preserve and respect the established character and appearance of the surrounding area. Policy DM01 states that:

- b. Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

This application would result in the creation of a two-storey detached dwelling located between two pairs of semi-detached properties at nos. 37 and 39 Lullington Garth. The junction of Lullington Garth and Cissbury Ring comprises of four pairs of two-storey semi-detached dwellings in a planned layout form, each facing into the centre of the junction. The proposed dwelling would therefore create a slight departure from the established visual appearance of this junction by introducing a two-storey detached dwelling where a single-storey double garage serving no.39 Lullington Garth is currently located. However, while the proposed development would represent the first detached dwelling at the junction

in which the application site is located, it would not be the only detached dwelling within the streetscene and is not considered to establish a precedent that would cause harm to the character and appearance of Lullington Garth.

At both adjacent junctions on Lullington Garth to the west (Cissbury Ring) and east (Chanctonbury Way) where there is a similar planned layout form to the junction in which the application site is located, there are examples of detached properties sited between semi-detached properties. While it is acknowledged that the junction between Lullington Garth and Chanctonbury Way has a slightly different visual character given the presence of a local parade of shops, it serves to inform the established pattern of development along Lullington Garth. However, the other junction at Lullington Garth and Cissbury Ring (180m from the application site) is solely residential and provides a more direct character reference to the application site. Here, there are three detached dwellings located between semi-detached properties in a similar planned layout form. Moreover, these dwellings have an architectural form and set of external facing materials that closely match those at the junction in which the application site resides. The junction in which the application site resides is therefore not deemed of a sufficient distance from this junction (180m), or of a different visual appearance to be considered to have a distinctly different character. Therefore, it is not considered that the proposed development would create a design precedent out of keeping with the established pattern of development and visual appearance of Lullington Garth and Cissbury Ring, where there are already detached dwellings located between pairs of semi-detached dwellings.

Given the proposed development will be primarily sited on Lullington Garth as opposed to facing into the junction with Cissbury Ring like the existing dwelling at the application site does, it will have a greater visual relationship with no.37. Therefore, the proposed design has replicated the architectural form, building width and facing materials used at no.37 to aid its visual assimilation into the established streetscene. Furthermore, the proposed ridge height is 9m, whilst the ridge height of no.37 is 9.5m. However, the proposed dwelling sits on a higher ground level than no.37, therefore the height of the two buildings will appear comparable within the streetscene. The existing building at no.39 would sit 1.8m higher than the proposed partly due to the fact no.39 is built at a higher ground level than the proposed dwelling.

The proposed development has been sited where the existing single-storey double garage is located and will be served by the site's existing dropped kerb and driveway. It has a set-back of 10m from no.39 to the front and 2.93m to the rear and includes a set-back of 5.9m from no.37 (single-storey garage between proposed development and no.37). It would also be set-in 1.15m from the site boundary with no.37 and 1.5m from no.39. The distances maintained are normally considered acceptable within Section 14 of the Residential Design Guidance SPD (2016) when assessing the proximity of a two-storey building to the adjacent site boundary. Based on these set-backs, and the matching building scale and width of no.37, it is considered that the proposed development would maintain a good level of visual separation between adjacent properties and would not result in a visually cramped form of development.

As highlighted above, the proposed development would be served by an existing dropped kerb and driveway and would provide a soft landscaped front garden. A soft landscaping condition will be attached to planning permission to secure an acceptable appearance for the proposed development. This section of the site is currently characterised by a single-storey double car garage and boundary fence enclosing the garden behind. It is considered that the proposed development would result in an improved visual appearance

to the benefit of the wider streetscene. This is considered to comply with Policy DM01 which states:

Development proposals will be required to include hard and soft landscaping that:

- i. is well laid out in terms of access, car parking and landscaping
- ii. considers the impact of hardstandings on character
- iii. achieve a suitable visual setting for the building
- iv. provide an appropriate level of new habitat including tree and shrub planting
- v. make a positive contribution to the surrounding area

In terms of the existing dwelling at no.39, a new dual driveway and crossover (subject to a separate crossover application) will be created, similar in siting to the driveway at no.38 Lullington Garth opposite to the application site. The majority of the existing front garden will be retained. As outlined above, a soft landscaping plan to the front of the site will be secured via condition. Furthermore, both existing and proposed dwellings will have large gardens exceeding 110m² which is considered sufficient to retain the suburban character of the application site stated as a priority in paragraph 2.9.1 of Policy DM01.

The proposed single-storey rear extension at no.39 would measure 1.6m in depth and less than 4m in height and therefore would comply with Section 14 of the Residential Design Guidance SPD (2016) which normally allows for a single-storey rear extension depth of 3.5m for semi-detached properties. Consequently, it would have no appreciable adverse impact on the character and appearance of the dwelling house or the wider area.

Based on the above, it is considered that the design, scale and siting of the proposed detached dwelling would have an acceptable impact on the established pattern of development and character and appearance of Lullington Garth and Cissbury Ring, and given the distances afforded from adjacent dwellings, would not result in a cramped form of development. Moreover, it is not considered that its development would set an undesirable design precedent which if replicated would be detrimental to the visual appearance of the wider streetscene. Consequently, it is considered that the proposed development is in compliance with Policy DM01 and is therefore recommended for approval on character and appearance grounds.

Neighbouring Amenity

Paragraph 2.7.1 of Policy DM01 states that:

Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the well-being of the boroughs residents. It is important to ensure that developments do not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook.

It is considered that the proposed development would have an acceptable impact on the residential amenity of neighbouring occupiers by way of outlook, daylight / sunlight, privacy and enclosure. The proposed two-storey detached dwelling would not project beyond the rear building line of the adjacent property at no.37 and would be set-in 1.15m from the site boundary and a gap of 5.9m will be maintained from the flank wall. This is in line with the design guidance contained in Section 14 of the Residential Design Guidance SPD (2016) which requires a gap of 2m between the flank walls of two properties and 1m from a neighbouring site boundary. The proposed development would not restrict the south-facing

outlook currently enjoyed by the occupiers of no.37, and given the stated distances, it is not expected that overshadowing would occur. The proposed first-floor flank wall serves a staircase and whilst this is not a habitable area, a condition will be attached to ensure the window is obscure glazed and permanently fixed shut. Consequently, the proposed development is not expected to result in a loss of privacy for the occupiers of no.37.

Regarding no.39 Lullington Garth (application site), there would be a gap of 2.94m between the flank walls of the properties to the rear of the site. The depth of the proposed development and the single-storey rear extension at no.39 has been designed to ensure unobstructed 45-degree outlook at ground-floor level for occupiers of no.39 and unhindered outlook at first-floor level. Given the rear of no.39 is south-facing, the proposed development is not expected to detrimentally impact the level of daylight / sunlight enjoyed by the occupiers of no.39, or result in a harmful level of overshadowing. Furthermore, one first-floor flank wall window facing no.39 is also proposed, but this serves a bathroom and therefore will be conditioned to be obscure glazed. Consequently, the proposed development is not expected to result in a loss of privacy for the occupiers of no.39. As outlined above, an obscure glazing condition will be attached to any permission. Lastly, the stated set-backs are in compliance with Section 14 of the Residential Design Guidance SPD (2016) and therefore, the proposed development is not expected to result in a harmful level of enclosure to the occupiers of no.39.

Based on the above, it is considered that the proposed development would have an acceptable impact on the residential amenity of neighbouring occupiers by way of outlook, daylight / sunlight, privacy and enclosure, and is consequently recommended for approval on amenity grounds.

Living standards for future occupiers

Floor Area:

The London Plan (2016) and Section 2.1 of the Sustainable Design SPD (Oct 2016) set out the minimum gross internal area (gia) space requirements for residential units. A bedroom measuring 11.5m² and above is calculated as a two-person room. The proposed dwelling complies with these standards as evidenced below:

- 3-bed, 5-person, 2-storeys: 93m² required / 102m² provided.

Table 2.2 contained within the Sustainable Design and Construction 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;
- Double/twin bedroom: minimum area should be 11.5 m² and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All proposed bedrooms meet the above standards.

Floor to ceiling height:

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling.

The proposed dwelling meets the above standard.

Light/outlook:

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

It is considered that the proposed dwelling would benefit from dual aspect outlook and an acceptable level of daylight / sunlight provision to all habitable rooms.

Amenity Space:

Section 2.3 of the Sustainable Design & Construction sets out the external amenity space requirements for houses. Both the proposed and existing dwellings would meet the external amenity space requirements as demonstrated below:

Existing (no.39): 85m² (eight habitable rooms) required / 141m² provided

Proposed: 55m² (five habitable rooms) required / 112m² provided

Based on the above, it is considered that the proposed development would provide an acceptable level of amenity for future occupiers and consequently, this application is recommended for approval on amenity for future occupier grounds.

Highways

Based on the proposed floor plans and Policy DM17, the proposed development would have the following parking requirements:

Existing (no.39): 1.5 to 2 parking spaces

Proposed: 1 to 1.5 parking spaces

Two onsite parking spaces are provided for each dwelling and therefore this is considered in compliance with Policy DM17. The proposed dwelling would be served by the site's existing crossover and driveway, while the existing dwelling at no.39 proposes a new driveway and dropped curb. The applicant has been advised that a separate crossover application will need to be made for the proposed dropped curb.

Two secure cycle parking spaces have been provided for the proposed dwelling along the flank wall facing no.39. This is considered compliant with Policy 6.9 of the London Plan (2016).

Based on the above, this application is considered acceptable on highways grounds and is consequently recommended for approval.

Refuse

The proposed development is required to comply with Barnet's Waste and Recycling Strategy (2018). Refuse and recycling storage has been located along the flank wall facing no.39 and is screened from the public highway by a side gate. This is considered acceptable and in compliance with the stated policy requirements.

5.4 Response to Public Consultation

Public comments have been received and addressed where relevant in the report above. For clarity please see below:

- The detached house would not be in keeping with the stylistic context of the street of semi-detached properties:

See character section above.

- The development will have a negative impact due to increased noise, overshadowing, loss of privacy and dust and vibration:

A Demolition and Construction Method Statement is proposed as a pre-commencement condition and therefore development will only proceed once Environmental Health and Highways are satisfied that the impact of development from construction noise, disturbance and dust is appropriately mitigated and managed.

See amenity section above regarding overshadowing and loss of privacy concerns.

- The development will cause traffic and safety concerns resulting from more comings and goings to the site on a busy road:

It is considered that the impact from a highways perspective is acceptable. Two onsite parking spaces are provided for the proposed development as per Policy DM17.

- Concern about risk of subsidence to adjoining properties due to any deep digging on the proposed detached house:

This is not a material planning consideration.

- Proposed detached house would be out of character and would set an unwelcome precedent:

See character section 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

The proposed development is considered to have an acceptable impact on the character and appearance of the application site and the wider streetscene of Lullington Garth. Furthermore, it is considered that the proposed development would have an acceptable impact on the residential amenity of neighbouring occupiers and would provide sufficient amenity for future occupiers by way of internal and external space compliance and good levels of outlook and daylight /sunlight. The proposed development is also considered acceptable on highways grounds. Consequently, this application is recommended for approval.

