

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

**Reference:**                                **19/1130/FUL**                                Received: 26th February 2019  
Accepted: 28th February 2019

Ward:                                         Golders Green                                Expiry 25th April 2019

Applicant:                                 Mr Fried

Proposal:                                    Demolition of existing dwelling and construction of a new four storey detached dwellinghouse including basement and rooms in the roofspace with associated external landscaping, amenity space, refuse storage and off-street parking

**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:

Proposed First Floor Plan Drawing No 1625-PL- 302 Rev B  
Proposed Second Floor Plan Drawing No 1625-PL-303 Rev B  
Proposed Roof Plan Drawing No 1625-PL-304 Rev B  
Proposed Rear Elevation Drawing No 1625-PL-311 Rev B  
Proposed Side Elevation Drawing No 1625-PL-312 Rev B  
Proposed Side Elevation Drawing No 1625-PL-313 Rev B  
Proposed Front Elevation Drawing No 1625-PL-310 Rev A  
Site Sections showing neighbouring properties Drawing No 1625-PL-331 Rev 0  
Received 8 April 2019

Proposed Ground Floor Plan Drawing No 1625-PL-301 Rev A  
Proposed Lower Ground Floor Drawing No 1625-PL-300 Rev A  
Received 21 March 2019

Site Location Plan Drawing No 1625-PL-000  
Existing Site Location Plan Drawing No 1625-PL-001  
Received 26 February 2019  
Site Sections Drawing No 1625-PL-331 Rev 0

Existing Ground Floor Drawing No 1625-PL-101 Rev 0  
Existing First Floor Drawing No 1625-PL-102 Rev 0  
Received 8 March 2019

Environmental Noise Survey and Plant Noise Assessment Report 24170/PNA1  
dated 20 March 2017  
Received 26 February 2019

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

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

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

- 3 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 4 The roof of the ground floor and lower ground floor, hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 5 Before the building hereby permitted is first occupied the proposed dormer window(s) in the eastern elevation facing 53 Cranbourne Gardens and the first floor window in the western elevation facing Park Way shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

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

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

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

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

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

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

8 Before the development hereby permitted is first occupied or the use first commences the parking spaces/hardstanding as shown in Drawing No 1625-PL-301 Rev A shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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

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

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

- 10 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 15% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

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

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

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

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

- 13 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall be commenced until details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.

b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.

c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2015.

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

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

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

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

15 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.

16 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).

17 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 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.

18 The level of noise emitted from the basement plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

19 The development shall be implemented in accordance with the Environmental Noise Survey and Plant Noise Assessment Report prior to first occupation of the development and the measures implemented shall be retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted

September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2015.

### **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](http://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](mailto:cil@barnet.gov.uk).

#### Relief or Exemption from CIL:

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

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

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

2. Residential Annexes or 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](http://legislation.gov.uk)

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

- 3 Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer.



Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)."

As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-nearor-diverting-our-pipes>.

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewaterservices>

Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](http://thameswater.co.uk/buildingwater).

## **Officer's Assessment**

### **1. Site Description**

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

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

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

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

### **2. Site History**

Reference: 17/7572/FUL

Address: 55 Cranbourne Gardens NW11 0HU

Decision: Refused (committee overturn)

Decision Date: 9/03/18

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

Reason for refusal:

1. The proposals, by reason of its scale, siting, size, height bulk and massing on the west elevation in close proximity to the boundaries with 1, 3 and 5 Park Way would appear oppressive, visually dominating and have an overbearing appearance which would result in the occupiers of these properties suffering an unacceptable loss of residential and visual amenity. The proposal would be contrary to Policy DM01 of the Adopted Barnet Development Management Policies 2012 and Supplementary Planning Document: Residential Design Guidance 2016)

Appeal Dismissed

Reference: 17/1913/FUL

Address: 55 Cranbourne Gardens NW11 0HU

Decision: Refused

Decision Date: 10.11.17

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

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

Adopted Barnet Development Management Policies 2012 and Residential Design Guidance.

Reference: C06881

Address: Land adjoining 55 Cranbourne Gardens NW11

Decision: Refused

Decision Date: 1979

Description: Three storey detached house with integral garage

Reference: C06681A

Address: Land adjoining 55 Cranbourne Gardens NW11

Decision: Approved subject to conditions

Decision Date: 1981

Description: Vehicular Access

Reference: C06881A

Address: Land adjoining 55 Cranbourne Gardens NW11

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

Decision Date: 1986

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

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

### **3. Proposal**

The proposal is to demolish the existing dwelling and construct of a new four storey detached dwelling with lower ground floor and rooms in roofspace. Associated hard and soft landscaping, parking, refuse and recycling.

The proposed dwellinghouse has a width of 15.5 metres with an additional recessed bay at ground floor of 1.8 metres in width. The proposed dwellinghouse has 2 no. front outriggers that project 0.4metres in depth beyond the front elevation wall of the main body of the dwellinghouse and they have a width of 5.7 metres. The outriggers are set down from the ridge of the roof with hipped roofs. The dwelling has a height of 10 metres from ground level at the front of the site.

The total depth of the dwelling is 14.6 metres including a ground floor rear extension of 3.1 metres in depth. Owing to the levels at the site, the ground floor extension is built across a lower ground floor extension. The height of the ground floor projection is approximately 7.8 metres from final finished ground level in the sunken terrace or 6.8 metres from the ground levels in the side facing Park Way. A pyramid rooflight of 0.5 metres in height is also proposed in the flat roof. At first floor, the dwelling has a total depth of approximately 11.4 metres with a staggered rear elevation. From the side elevation facing 53 Cranbourne Gardens, the dwelling has a short recessed corner. In the rear corner, the first floor would be set in by 0.4 metres from the main rear elevation and 2.7 metres from the flank elevation. At the rear corner facing Park Way, the first floor elevation would be set back 3.5 metres from the rear elevation and 2.5 metres from the side elevation.

The proposal includes a front dormer measuring 2.8 metres in width, 1.6 metres in height and depth of 1 metre.

The rear dormer is 2.8 metres in width, 1.6 metres in height and 1 metre in depth.

The proposed dwellinghouse has a side dormer to each side elevation measuring 1 metre in depth, 2.8 metres in width and 1.6 metres in height. One rooflight is included in the side elevation facing 53 Cranbourne Gardens and one is included in the side elevation facing Park Way.

The plans have been amended during the application to set the front outriggers down from the roof of the ridge and make these hipped so they are more subordinate features to the property. The rear projection has also been lowered from the roof and reduced in width by 1 metre.

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

Consultation letters were sent to 33 neighbouring properties.

11 responses have been received, comprising 9 letters of objection and 2 letters of support.

The objections received can be summarised as follows:

- Loss of privacy- the proposed structure will be situated extremely close to the boundary fence and closer than existing will result in a loss of privacy.
- The proposed dwelling appears out of scale with neighbouring properties. The height is exacerbated by the fact that properties in park way are at a lower level to those in Cranbourne Gardens
- Loss of light to neighbouring properties
- Impact on water drainage
- The removal of trees and shrubs from the site has already impacted the outlook for neighbours and neighbours views will be replaced with brick walls
- Disruption to neighbours as a result of noise, dust and construction activities.
- Overdevelopment of the site from 205m<sup>2</sup> to 713m<sup>2</sup>
- Concerned there will be additional balconies and external staircases which will affect privacy and amenity. Request a condition preventing any balconies
- Pollution and noise from the lower ground floor plant room which is at level with neighbouring ground floor. Concerned the location and use of the plant could have an adverse impact on neighbouring amenity.
- This scheme is of a similar scale to the last appeal scheme and should be refused.
- The dwelling does not comply with Barnet Residential Design guidance
- The changes to the front hardstanding to create a second exit will reduce much needed street parking. A house of this size will also own more than 2 cars and have guests and the parking is inadequate.

The comments in support are summarised as:

- The proposal has taken into consideration the refused schemes and concerns raised previously.
- There are no overlooking issues associated with the development
- Design and material choices will be of high quality.
- New dwelling will improve the streetscene.

#### **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 19 February 2019. 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.

### Barnet's Local Plan (2012)

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

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

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

## **5.3 Assessment of proposals**

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

Policy DM01 in Council's Development Management Policies DPD stipulates that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The proposed dwellinghouse has a total width of 15.5 metres with an additional recessed bay to the side of the property at ground floor. The proposed dwellinghouse has 2 no. front outriggers that project 0.4 metres in depth beyond the front elevation wall of the main body of the dwellinghouse and they have a width of 5.3 metres.

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

The proposal is considered to represent a significant increase in the mass and volume of the existing building on the application site. The building frontages on Cranbourne Gardens generally span between approximately 7 and 15 metres. At 15.5 metres, the width of the proposed dwellinghouse is a wide building frontage on this street. The application site however, has a maximum width of 40 metres, which is significantly wider than the average width of the plots in the surrounding area, so therefore the width of the proposed dwellinghouse would not appear incongruous within the site. The applicant has

provided a comparison of the dwellinghouse within the site compared to surrounding plots and the building to plot ratio is not disproportionate or out of scale with the pattern of development in the area.

It is noted that there are properties on Cranbourne Gardens that have building frontages that span wider than the average. No. 36 Cranbourne Gardens is a two storey single family dwellinghouse with a width of approximately 26 metres including its single storey attached garage. This dwellinghouse was erected following the demolition of the existing properties at No. 36 Cranbourne Gardens and No. 38 Cranbourne Gardens. It was approved through application C01274H on 14/12/1999. As application C01274H was approved before Barnet's Local Plan (2012), Barnet's Residential Design Guidance SPD (2016) and Barnet's Sustainable Design and Construction SPD (2016) were published, only limited weight can be given to No. 36 Cranbourne Gardens when assessing the impact that the proposal at No. 55 Cranbourne Gardens would have on the streetscene.

However, several recent applications at the application site have been refused on impact to neighbouring properties but not on the character or design of the building. The Inspector in the most recent appeal scheme stated 'I acknowledge that the appeal site is larger than the majority of other plots in the area and it has a particularly wide road frontage when compared with other plots nearby'.

In terms of its visual impact on the streetscene the width of the proposed dwellinghouse is considered acceptable. At 9.5 metres in height from street level, the height of the property is considered acceptable in its setting and is not disproportionate in scale with the heights of dwellings in the area. This is unchanged from other applications which have not objected to the height of the dwelling in character terms.

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

The existing site is to be excavated to allow for the construction of the lower ground floor. The basement is proposed to be used for a pool, gym, guest bedroom, playroom, plant room and family lounge. The basement is shown with a total height of 4 metres. The basement internal height is 2.8 metres. The depth of the basement is 16.2 metres. The basement is proposed with an external access from the rear garden recessed below former ground level. From the rear of the site, the basement will be partially obscured with a sunken access approximately 1.5 metres from finished garden level leaving a portion of the basement of approximately 2 metres visible above finished garden level and the level of adjacent gardens. The site is not within a flood risk area and is identified as clay soils. The principle of a basement is supported and no concerns are raised regarding the suitability of the site to accommodate a basement of this scale. Furthermore, a basement impact assessment is not required under the Sustainable Design and Construction Supplementary Planning Document.

While it is noted the scheme is similar in design to a recently refused scheme 17/7572/FUL the reason for refusal was concerned with the impact to the amenity of neighbouring occupiers and did not raise objection to the design or scale of the property in terms of character or the impact to the streetscene.

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

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

There is a fall in topography from east to west across the locality of the application site. At ground floor, the western side elevation of the proposed dwellinghouse is set back at a minimum distance of approximately 8.2 metres from the rear amenity space at No. 5 Park Way and set back approximately 22 metres from the rear elevation. The western side elevation of the proposed dwellinghouse is also set back at a minimum distance of approximately 10.8 metres from the rear amenity space at No. 3 Park Way set back approximately 29.5 metres from its rear elevation. Overall, the scheme has been reduced approximately 2.7 metres at ground floor from the appeal scheme. At first floor, the scheme has been reduced in depth by approximately 2.7 metres with a further reduction to the rear corner of approximately 5.2 metres. At first floor, the flank wall is at least 12 metres from the boundary with 3 or 5 Park Way.

The western side elevation wall has a height of 6.9 metres above ground level to the eaves at the front of the application site and total height from finished ground level of 8.9 metres to the eaves. Including the roof, the side elevation has an estimated height of 12.2 metres. The expanse of the side wall measures 11.3 metres with an additional depth of approximately 3.1 metres at ground and lower ground floor only. This projection has a height of 6.5 metres. The rear corner of the dwelling has been set in from the side flank elevation to reduce the expanse of the wall.

An earlier application (17/7572/FUL) was refused as 'The proposals, by reason of its scale, siting, size, height, bulk and massing on the west elevation in close proximity to the boundaries with 1, 3 and 5 Park Way would appear oppressive, visually dominating and have an overbearing appearance which would result in the occupiers of these properties suffering an unacceptable loss of residential and visual amenity.' This scheme was dismissed by appeal APP/N5090/W/18/3204975 which stated 'However, the proposed dwelling would be substantially larger than the existing dwelling. It would be taller, wider and deeper and positioned closer to the shared boundaries with Nos 1, 3, 5 and 7 with the rear elevation windows of Nos 3 and 5 Park Way directly facing the angled flank elevation of the proposed dwelling. I accept the separation distances quoted by the appellant. However, although stepped and angled, the proposed tall and wide west elevation with the expanse of brickwork and the extent of the large roof would be of a significant mass. When viewed from the rear elevation windows of Nos 3 and 5, particularly at first floor level, due to its proximity and scale it would appear oppressive and overbearing. However, the occupiers of Nos 1 and 7 Park Way would only experience the proposed dwelling from their rear elevation windows from an oblique angle and the separation distance would be greater.'

The applicant has designed and began to implement a landscaping scheme providing screening to the boundary on Park Way. The appeal Inspector commented 'I acknowledge the line of conifers recently planted along the shared boundary with Nos 1, 3, 5 and 7. I also note the boundary fencing and planting within the gardens. However, these features would not screen the proposal and the line of conifers would take some time to grow tall enough to become a fully effective screen, even if such an effect was desirable. As such the proposed dwelling would remain visible above the boundary treatment and planting. Although these features would soften the proposals they are not sufficient to mitigate the oppressive and overbearing effects on the occupiers of 3 and 5'.



Overall, the appeal was dismissed as the Inspector found 'Thus, I find the proposed development would be harmful to the living conditions of the occupiers of Nos 3 and 5 with particular regard to outlook, but it would not harm the occupiers of Nos 1 and 7 in this regard.'

Given the Inspectors comments, the proposal has been reduced, focusing on the massing on the western side elevation. The elevation has been set away at ground and first floor particularly in the rear corner. The western elevation is 2.7 metres further away from the neighbouring properties than in the appeal scheme. Where the two storey western elevation was previously within 6 metres of the boundary with 3 and 5 Park Way, the proposal has been significantly reduced in this corner. The south-west corner has been set in further resulting in this corner reduced by 5.2 metres from the appeal scheme. This represents a substantial change to this corner of the dwelling where the perceived mass of the building is likely to be at the greatest given the orientation with the neighbouring properties. The distance of the western elevation when viewed from the gardens of the neighbouring properties has almost doubled in distance. With a greater setback from the gardens and rear elevations, the western elevation would appear less dominating. In the side profile, the roof has been stepped down to reduce the scale and height of the ridge line. Furthermore, the elevation has been varied with the addition of a bathroom window and by creating a stepped side elevation, has broken up the expanse of brickwork previously proposed. This creates more visual interest and reduces the impact of the side elevation compared to the previous appeal scheme.

The eastern side elevation wall of the proposed dwellinghouse is positioned at an acute angle to the western side elevation of No. 53 Cranbourne Gardens. The proposed dwellinghouse's eastern side elevation wall is set back at a minimum distance of approximately 1.2 metres from the boundary with No. 53 Cranbourne Gardens at the rear. The separation at the front of the property is 3.8 metres. The road Cranbourne Gardens curves to the west as it goes north and the rear elevation of the proposed dwellinghouse follows the building line. Due to its size, height and position, the proposed dwellinghouse is not considered to cause the occupiers of No. 53 Cranbourne Gardens to suffer a material loss of amenity as a result of a loss of outlook, or a loss of daylight/sunlight and nor would it have an overbearing impact on this property.

Barnet's Sustainable Design and Construction SPD (2016) states that in new residential development there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. The proposed side dormer on the western elevation is set back approximately 10 metres from the rear amenity space at No. 3 Park Way and set back approximately 29 metres from its rear elevation. The proposed side dormer on the western elevation of the proposed dwellinghouse is set back at a minimum distance of approximately 12 metres from the rear amenity space at No. 3 Park Way and set back approximately 31 metres from its rear elevation. It is not considered that the proposed side dormer on the western elevation would overlook the rear amenity space at No. 3 Park Way. The dormer is fully in compliance with Residential Design Guidance concerning appropriate overlooking distances. It is also noted the existing property benefits from a balcony at first floor to the south-west corner of the dwelling. The proposed new dwelling would remove this balcony. There is one window in the first floor side elevation facing the Park Way properties. This is a bathroom window and can be conditioned to be obscurely glazed only thereby ensuring there are no direct views from this window to any neighbouring property.

The proposed side dormer on the eastern elevation is set back at a minimum distance of approximately 2.8 metres from the boundary with No. 53 Cranbourne Gardens and is a minimum distance of approximately 6.1 metres from the first floor of the western boundary wall of this property. There is a window on the first floor of the western side elevation of No. 53 Cranbourne Gardens and there are 2 no. roof lights on the western roof plane of No. 53 Cranbourne Gardens, which the proposed side dormer would overlook. Due to the position in relation to No. 53 Cranbourne Gardens it is considered necessary that the eastern side dormer be obscure glazed and permanently fixed shut unless the part of the window that is open able is 1.7 metres above the floor level of the room that it serves. This could be a condition of consent if the application were approved.

Officers consider there are material differences proposed in this scheme compared to the appeal scheme. Having regard to the previous planning history and appeal inspectors comments, Officers consider the dwelling would not result in the same level of harm to the Park Way properties. While the proposed building would represent a significant increase from the existing dwelling on site, the design of the dwelling has given regard to the relationship of the properties along Park Way and has an acceptable impact to these neighbouring properties.

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

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

#### Floor Area:

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

- Single bedroom: minimum area should be 7.5 m<sup>2</sup> and is at least 2.15m wide to comply with the nationally described space standard.
- Double/twin bedroom: minimum area should be 11.5 m<sup>2</sup> and minimum width should be 2.75 m to comply with the nationally described space standard.

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

#### Light/outlook:

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

The bedrooms in the second floor are all served with a dormer window. However as the dormer window in the eastern elevation must be obscure glazed then the eastern bedroom would be reliant on one narrow rooflight facing the rear garden. Whilst this would not strictly comply with the Residential Design Guidance Supplementary Planning Document in terms of outlook, it is not considered harmful given the remaining bedrooms have an acceptable outlook.

#### Sustainability/Environmental Issues

The Local Planning Authority seeks compliance with local and London wide planning policies on the achievement of relevant housing technical standards, reducing water

usage, accessibility, and minimising carbon dioxide emissions from new development. Suitable conditions on these matters are recommended.

The applicant has provided an energy and sustainability statement outlining that the expected carbon dioxide reductions on the site are 15.9% and the development would achieve a mains water consumption of 105 litres per head per day or less.

### Highways and Parking

The plans show one dedicated off street parking bay and generous area of hardstanding in front of the property to accommodate vehicle access and parking. At least two parking spaces can be accommodated on the site. A condition will be included to ensure the parking is provided. The access is via an existing crossover with a second crossover created at the other side of the frontage. There are a number of properties along this street with similar drive in and drive out arrangement and there is no objection to this arrangement.

## **5.4 Response to Public Consultation**

Loss of privacy: the dormers will be obscurely glazed on the eastern elevation to prevent overlooking. The windows in the rear elevation are not considered to overlook the neighbouring properties.

The proposed dwelling appears out of scale: an assessment has been made above

Loss of light to neighbouring properties: The building is not considered to result in a loss of light detrimental to the neighbouring properties.

Impact on water drainage: Sufficient garden is retained on the site and there are no flood risks known at this site.

The removal of trees and shrubs from the site has already impacted the outlook for neighbours and neighbours views will be replaced with brick walls: there is no protection on vegetation within the site and its removal is not part of this application. A landscaping condition will be included.

Disruption to neighbours as a result of noise, dust and construction activities: a condition requiring a construction management plan will be included to provide details of construction activities and minimise impact to neighbouring occupiers. A condition of construction working hours will also be included.

Overdevelopment of the site: the scale of development on the site is not considered to harm the character of the area.

Concerned there will be additional balconies and external staircases which will affect privacy and amenity: a condition will be added that the flat roofs will not be used as a balcony. Any further balconies will need permission and will be considered on their own merits.

Pollution and noise from the lower ground floor plant room which is at level with neighbouring ground floor: The plant is not considered to generate adverse noise or pollution harmful to residential amenity. There has been no objection made to this in previous assessments or in the appeal.

This scheme is of a similar scale to the recent appeal scheme and should be refused for the same concerns regarding overlooking and impact on character and visual amenities of residents: This is addressed above. The proposed scheme has been reduced and makes material changes to the scheme since the dismissed scheme. Officers consider this addresses the concerns of the Inspector.

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

## 6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

## 7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



