

Location **21 Elmgate Gardens Edgware HA8 9RU**

Reference: **19/4521/FUL** Received: 15th August 2019
Accepted: 16th August 2019
Ward: Hale Expiry 11th October 2019

Applicant: Mr & Mrs Leslie Lipowics

Proposal: Demolition of the existing dwelling and erection of a new single storey dwelling with rooms in the roofspace. Single storey side and rear extension. Roof extension involving side and rear dormer windows. Alterations to the front fenestration

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:

01;
02;
03;
04a;
05a;
06a;
07a;
08a.

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 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the flank elevation(s), of the extension(s) hereby approved, facing Nos. 19 and 23 Elmgate Gardens.

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).

- 5 The roof of the extension 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).

- 6 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 5.00pm pm on other days.

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

- 7 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 10.00 am or after 12.00 pm on Saturdays, or before 10.00 am or after 2.30pm pm on other days

Reason: To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day.

- 8 Before the building hereby permitted is first occupied the proposed dormer window(s) in the side elevation facing No. 19 Elmgate Gardens and in those in the proposed dormer window(s) in the side elevations facing No. 23 Elmgate Gardens shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies

DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 9 Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, 2 (long stay) cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in the interests of pedestrian and highway safety and the free flow of traffic 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.

- 10 No site works including demolition or construction work shall commence until a Demolition and Construction Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- i. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- ii. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- iii. 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;
- iv. noise mitigation measures for all plant and processors;
- v. details of contractor's compound and car parking arrangements;
- vi. Details of a community liaison contact for the duration of all works associated with the development.
- vii. Provision of a competent banksman.

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

- 11 The applicant shall carry out a "before" and "after" condition survey of the agreed route to be utilised by all construction traffic. The "before" survey shall be submitted to and approved in writing by Local Planning Authority prior to the commencement of the development. The "after" survey shall be completed three months before the completion of the development and thereafter submitted to and approved in writing by the Local Planning Authority. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey shall be implemented as approved following completion of the development.

Reason: To ensure that the road is maintained in a suitable condition in order to minimise danger, obstruction and inconvenience to users of the highway.

- 12 Prior to the first occupation of the dwelling, provision should be made for the storage of refuse and recyclables within the curtilage of the site to be maintained permanently 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).

- 13 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.

- 14 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.

- 15 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.

- 16 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, E

and F of Part 1 of Schedule 2 of that Order shall be carried out within the curtilage of the site within which the scheme has hereby been approved.

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

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. 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 applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.
- 3 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 4 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an un-adopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 5 The applicant is required to submit a Street Works Licence application to the Development and Regulatory Services, 2 Bristol Avenue, Colindale. NW9 4EW, 4-6 weeks before the start of any works on the public highways.

- 6 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 7 The surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein
- 8 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 2019 setting a rate of £60 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.

- 9 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.

Officer's Assessment

1. Site Description

The application site previously comprised of an extended one-storey detached dwelling located on the southern side of Elmgate Gardens, which was demolished but is subsequently being rebuilt. The pre-existing property was a three-bedroom single family dwellinghouse with a hipped roof and an integral garage. The host dwellinghouse is unusual on Elmgate Gardens in that the general locality is largely characterised by large, two-storey detached residential properties, although several examples of bungalows exist towards the north of Elmgate Gardens.

While there is on street car parking, the property benefits from parking within the front curtilage of the dwelling. The application site is not situated within a conservation area, contains no listed buildings and is not subject to any other relevant planning restrictions.

2. Site History

Reference: 18/1726/PNH

Address: 21 Elmgate Gardens, Edgware, HA8 9RU

Decision: Prior Approval Required and Refused

Decision Date: 3 April 2018

Description: Single storey rear extension with a proposed depth of 8 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: 18/2284/PNH

Address: 21 Elmgate Gardens, Edgware, HA8 9RU

Decision: Prior Approval Required and Refused

Decision Date: 4 May 2018

Description: Single storey rear extension with a proposed depth of 8 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: 18/4142/HSE

Address: 21 Elmgate Gardens, Edgware, HA8 9RU

Decision: Approved subject to conditions.

Decision Date: 3 September 2018

Description: Single storey side and rear extension

Reference: 18/7271/HSE

Address: 21 Elmgate Gardens, Edgware, HA8 9RU

Decision: Approved subject to conditions.

Description: Single storey side and rear extension following demolition of the existing garage. Roof extension involving side and rear dormer windows. Alterations to the front fenestration.

3. Proposal

Planning permission is sought for "Demolition of the existing dwelling and erection of a new single storey dwelling with rooms in the roofspace. Single storey side and rear extension. Roof extension involving side and rear dormer windows. Alterations to the front fenestration".

The proposed dwelling has a depth of 13.1 metres, a width of 15.3 metres and a ridge height of 5.9 metres. The dwelling replicates the architectural form of the pre-existing dwelling with two prominent gables to both the front and rear elevations.

The proposed dwelling has a larger footprint than the pre-existing dwelling. It extends to the rear of the pre-existing garage, providing additional habitable space along this flank and an additional 4 metres to the rear across the entire width of the dwellinghouse. It also incorporates crown roofs to accommodate the larger footprint of the new dwelling.

The proposed dwelling provides habitable space in the roofspace, facilitated by 1 no rear dormer window, 1 no dormer window to the south flank elevation, 2 no dormer windows to the north flank elevation and 2 no rooflights.

It is noted that the proposal is the same as the approved plans for permission 18/7271/HSE for extensions to the pre-existing dwelling. Following demolition of the dwelling without planning permission, the applicant submitted this application to seek permission for the demolition and rebuild of the dwelling, including the approved extensions.

4. Public Consultation

The Local Planning Authority notified twenty eight neighbouring properties and received fourteen objections.

Summary of comments include:

- Concerns regarding loss of light, outlook, privacy and a sense of enclosure/overbearing to neighbouring occupiers;
- Complaints that works were carried out prior to securing planning permission;
- Concerns regarding damage, noise and nuisance to neighbouring properties during construction;
- Concerns regarding the safety of the proposed development.

5. Planning Considerations

5.1 Policy Context

Revised 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 Revised National Planning Policy Framework (NPPF) was published on 19 February 2019. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The Revised 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 Revised 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.
- Relevant Development Management Policies: DM01, DM02.

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

Impact on Character

Any proposed scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both Barnet Local Plan), 7.4 and 7.6 (both London Plan). DM01 helps to protect Barnet's Character and amenity stating that development should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The proposed dwelling would be similar in appearance and scale to the pre-existing dwelling when viewed from the streetscene. The material changes would be to the side adjacent to No. 19 Elmgate Gardens, where the pre-existing side garage is replaced by an extension to the main dwelling providing additional habitable space; alterations to fenestration and the front entrance door; and side dormer windows to both flanks. These changes in relation to the pre-existing dwelling are as proposed under the previous 18/7271/HSE.

Overall, the larger footprint of the proposed dwelling is not considered to be such that it would be contrary to the established character of the site or the wider locality. The larger rearward projection of the dwelling would not bring it beyond the rear building line on Elmgate Gardens in such a way that would be incongruous or out of line with the pattern of development. As already noted, the design and appearance of the proposed dwelling is commensurate with the pre-existing dwelling and, as such, it would not cause material harm to the established character of the area.

The changes in relation to the pre-existing dwelling are as proposed under the previous 18/7271/HSE. Therefore, the Local Planning Authority has assessed the design and appearance of these elements and found that they would have an acceptable impact on the streetscene and character of the wider locality. Accordingly, the proposed development is found to accord with planning policies DM01, DM02 and CS5 of Barnet's Local Plan.

Impact on neighbouring Amenity

It will be important that any scheme addresses the relevant development plan policies including DM01 (of the Barnet Local Plan), 3.5 (of the London Plan) and the guidance contained in the Barnet Supplementary Planning Documents 'Sustainable Design and Construction' and 'Residential Design Guidance.' In respect of the protection of the amenities of neighbouring occupiers, this will include taking a full account of all neighbouring sites.

Regarding the relationship with the neighbouring property at No. 27 Elmgate Gardens, the proposed dwelling will protrude to the same depth as the pre-existing dwelling, when taking account of the single storey rear outrigger which existed on this side. As such, the proposed dwelling will have a similar relationship with the neighbouring property on this side, with no unacceptable loss of light, outlook or undue sense of enclosure incurred as a result of the proposed development. The neighbouring dwelling does not benefit from any windows on its flank elevation facing the host dwelling and, as such, the proposed side dormer windows will not lead to overlooking of the neighbouring property or an unacceptable loss of privacy.

Regarding the relationship with the neighbouring property at No. 19 Elmgate Gardens, the proposed dwelling will protrude approximately 3.5 metres to the rear of the rear wall of the neighbouring property with a height of 3 metres to a flat roof. This is within the depth of protrusion normally considered acceptable in the case of detached dwellinghouses, as described in the Residential Design Guidance SPD. The proposed dwelling would be built up almost to the shared boundary with No. 19 Elmgate Gardens. However, it is noted that the rearward protrusion of 3.5 metres would normally be considered acceptable even in the case of semi-detached relationships. It is further noted that, the proposed development is located to the north of No. 19, so would have a limited impact in terms of sunlight. Taking all material considerations into account, it is considered, on balance, that the proposed development would not cause an unacceptable loss of light, outlook or an undue sense of overbearing to the neighbouring occupiers at No. 19.

Conditions will be attached to ensure no additional side-facing windows are added and requiring details of the finishes of all external surfaces to ensure that the visual amenities of the site and the amenities of neighbouring occupiers are protected.

There is in excess of 30 metres between the rear of the proposed dwelling and the nearest flank wall of any property to the rear on Selvage Lane. This is considered sufficient that there would be no concern of overlooking to habitable rooms of these properties.

In assessment, it is considered the proposed development will not result in an unacceptable loss of amenity to any neighbouring occupiers and is therefore compliant with policy DM01 of Barnet's Local Plan.

Parking and highways

The proposed development would be a reconstruction of the existing dwelling house. Parking is provided off street and within the curtilage of the site incorporating a garage and hardstanding. As the dwelling is a replacement of the existing and there is no additional parking demand. On this basis, the proposed development would be acceptable subject to conditions addressing the provision of cycle parking storage and refuse storage.

5.4 Response to Public Consultation

- Concerns regarding loss of light, outlook, privacy and a sense of enclosure/overbearing to neighbouring occupiers;

These issues are addressed in the impact on amenity of neighbouring occupiers section of the above report.

- Complaints that works were carried out prior to securing planning permission;

The applicant is seeking permission to regularise the works.

- Concerns regarding damage, noise and nuisance to neighbouring properties during construction;

This is not a material planning consideration and is a civil matter. The applicant is advised that an agreement should be sought under the Party Wall Act regarding works on the shared boundary.

- Concerns regarding the safety of the proposed development.

This is not a material planning consideration. Any construction works are subject to building control inspections to control safety.

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.

