

Location **Land Front Of 2 Boltmore Close London NW4 1EX**

Reference: **20/0309/FUL** Received: 21st January 2020
Accepted: 3rd February 2020

Ward: Hendon Expiry 30th March 2020

Applicant: Mr R Weisz

Proposal: Erection of a two storey dwelling with rooms in the roofspace. Associated refuse/recycling and parking

Recommendation: Refuse

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)

Informative(s):

1 The plans accompanying this application are:

6227-PL-003 - Ground floor plan as existing (sheet 1 of 2) (received 03.02.20)
6227-PL-004 - Roof plan as existing (received 03.02.20)
6227-PL-005 - Elevations as existing (sheet 1 of 2) (received 03.02.20)
6227-PL-006 - Elevations as existing (sheet 2 of 2) (received 03.02.20)

6227-PL-100 - Site Location Plan (received 21.01.20)
6227-PL-101 - Proposed Block Plan (received 21.01.20)
6227-PL-102 - New Dwelling Site Plan as Proposed (received 21.01.20)
6227-PL-103 - New Dwelling Floor Plans as Proposed (received 21.01.20)
6227-PL-104- PROPOSED DWELLING ELEVATIONS AS PROPOSED SHEET 1 OF 2 (front / side) (received 21.01.20)
6227-PL-105- PROPOSED DWELLING ELEVATIONS AS PROPOSED SHEET 2 OF 2 (side / rear) (received 21.01.20)
6227-PL-106- Proposed site plan extract (received 03.02.20)

Design and Access Statement received 21.01.20)

Supplementary Information - Agent Response to Consultation - Undated (received 04.03.20)

Supplementary Information - Agent Response to Planners - Undated (received 04.03.20)

- 2 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant sought formal pre-application advice which was provided. Unfortunately the submitted scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

- 3 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments. This planning application was assessed as liable for payment under Mayoral CIL at this time.

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 were set at a rate of £0 per sq m. This planning application was assessed as liable for payment under Barnet CIL at this time.

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

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is 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.

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

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; 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 any appeal being allowed, please contact us: 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 Extension: 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 www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil for further details on exemption and relief.

Officer's Assessment

This application has been called to the Committee at the request of Cllr Fluss

1. Site Description

The application site is land adjacent to a semi-detached bungalow at No.2 Boltmore Close. The site also contains a detached pair of garages which are currently sited on the southwestern part of the site. One of these belongs to the host property (No 2) and is within the red line site. There is a large area of hardstanding to the front of the property for car parking and manoeuvring.

The host building is part of an infill development comprising a semi-detached pair of bungalows located on land to the rear of Tenterden Drive and Great North Way / A1, the latter reached via a narrow access lane (approximately 30 metres in length) to the east of the site. The land benefits from extensive planning history with regards to the two bungalows, which is detailed in the section below.

The area surrounding the backland site, centred around Tenterden Drive, is predominantly residential in character and appearance consisting principally of two storey semi-detached dwellinghouses. It is separated from the backland development at Boltmore Close by a sporadic line of trees on the application site's western boundary.

The site is not within a conservation area, nor is it a listed building. The site falls within PTAL rating 1B (very poor) and is within Flood Zone 1 (no flooding issues).

2. Site History

2.1 Reference: W00215

Address: Rear of 172-194 Great North Way NW4

Decision: Refuse

Decision Date: 10/09/1965

Proposal: Erection of two three-storey blocks of flats.

Refusal reasons:

1. The proposal would result in an undesirable form of backland development.
2. The proposal would result in over-development of the site and, by reason of height, mass and sitting, would create conditions prejudicial to the visual amenities and privacy of the occupiers of the adjoining houses in Tenterden Drive and Great North Way.
3. The proposal does not comply with the daylighting code as set out in the Ministry of Housing and Local Government Planning Bulletin No.5 - "Planning for Daylight and Sunlight".

2.2 Reference: W00215B

Address: Rear of 194 Great North Way NW4

Decision: Refuse

Decision Date: 16/10/1968

Proposal: Two Bungalows

Refusal reasons:

1. The proposed access is of insufficient width for the development of the site for two dwellings.
2. The proposal would result in overdevelopment of the site detrimental to the amenities of surrounding residential properties.

3. The proposed development of the site for two bungalows would be prejudicial to the visual amenities of surrounding residential properties.

2.3 Reference: W00215C

Address: Rear of 172-194 Great North Way NW4

Decision: Refuse

Decision Date: 05/02/1969

Proposal: Bungalow, garage and tennis court.

Refusal reasons:

The sitting of the proposed bungalow, on the narrower part of the site, would be prejudicial to the visual amenities of adjoining residential properties.

2.4 Reference: W00215D

Address: Rear of 172-194 including the site of No.194 Great North Way NW4

Decision: Refuse

Decision Date: 21/04/1969

Proposal: Five terraced bungalows

Refusal reasons:

1. The proposed development would result in overdevelopment of the site, to the detrimental of the amenities of surrounding residential properties.

2. The proposed development of this restricted site by the construction of 5 terraced bungalows, would be prejudicial to the visual amenities of surrounding residential properties.

3. The proposed development represents an unsatisfactory form of backland development.

2.5 Reference: W00215E

Address: Rear of 172-194 Great North Way NW4

Decision: Approve with condition

Decision Date: 30/07/1969

Proposal: Pair of semi-detached bungalows

2.6 Reference: W00215F

Address: Rear of 172-194 Great North Way NW4

Decision: Approve with condition

Decision Date: 21/01/1970

Proposal: Pair of semi-detached bungalows

2.7 Reference: W00215G

Address: Plot 1, Rear of 172-194 Great North Way NW4

Decision: Approve with condition

Decision Date: 18/05/1970

Proposal: Double garage

2.8 Reference: W00215H

Address: Plot 1, Rear of 172-194 Great North Way NW4

Decision: Approve with condition

Decision Date: 10/06/1970

Proposal: Single storey rear extension

2.9 Reference: W00215J

Address: Plot 2, Rear of 172-194 Great North Way NW4

Decision: Approve with condition

Decision Date: 17/06/1970

Proposal: Tree planting scheme and revised details to provide accommodation additional to bungalow approved ref.: W00215F

2.10 Reference: W00215K

Address: Land to the rear of 172-194 Great North Way NW4

Decision: Approve with condition

Decision Date: 19/08/1970

Proposal: Pair of semi-detached bungalows - resiting of garages.

2.11 Reference: W/00215L

Address: 2 Boltmore Close, Great North Way NW4

Decision: Approve with condition

Decision Date: 09/02/1982

Proposal: Single storey rear extension

2.12 Reference: 20/0306/192

Address: 2 Boltmore Close, Great North Way NW4

Decision: Unlawful

Decision Date: 26/02/2020

Proposal: Roof extension involving rear dormer

3. Proposal

The application seeks approval for the erection of a new, two storey dwelling with rooms in the roofspace. The scheme has 5 habitable rooms (living room, kitchen + diner, bedrooms x3) and has a gross internal area (GIA) of 122 square metres.

The proposal would be in brick with a pitched tile roof and feature projecting front bays at ground floor level. The building would abut an existing garage (maintained and allocated to the new property), with the remaining area to the front of No 2 re-configured to provide two spaces to the existing property. A further space is allocated to the new property in front of its allocated garage.

The scheme would incorporate private amenity space to the rear (55 square metres) and provides associated refuse/recycling storage by way of a side gate. An outline scheme of landscaping has also been proposed.

4. Public Consultation

Consultation letters were sent to 56 neighbouring properties. 34 individual responses have been received, split over 37 representations (as displayed on the online public record). These comprise 28 no objections and 6 no letters of support, which are summarised below.

Reasons for objection:

- Scale of the building/out of character
- Overlooking
- Overbearing
- Loss of light/overshadowing
- Density
- Parking and vehicle access
- Amenity space for future occupiers
- Increased pollution

- Loss of trees
- Inaccurate site plan
- Featureless brick walls
- Issues under the Party Wall Act
- Parking arrangement not consistent with restrictive covenant

Reasons for Support

- Improve local housing / investment in local 'infrastructure'
- Visual improvement over existing garage
- No traffic impact
- No overlooking due to rising ground levels west of site
- Aggressive neighbour consultation

4.1 Internal Consultations

The Traffic and Development Team of the Local Highway Authority commented on 04.03.20 with a follow up comment on 26.03.20:

- The proposal is to construct a 3 bedroom building in front of the existing bungalow at 2 Boltmore Close. The development will provide 2 parking spaces in accordance with DM17 policy. The building will alter the layout to parking for the existing bungalow and further details are required to show widths and swept path movements of vehicles entering and leaving the existing and proposed site. Details are also required on cycle parking spaces and how bins will be collected from the site.
- The details are required for all vehicles and the larger vehicles will be more of an issue including refuse and a fire tender. Then you have lack of cycle spaces to consider.

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 amended on 19th 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.

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

Barnet's Local Plan (2012)

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

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)

Sustainable Design and Construction SPD (adopted October 2016)

5.2 Planning Considerations

The main issues for consideration in this case are:

- Principle
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Living conditions for future occupiers
- Whether harm would be caused to the living conditions of neighbouring residents
- Parking and Highways
- Refuse and Recycling
- Cycle Storage
- Landscape, Trees and Ecology
- Sustainability and Access

5.3.1 Principle

Whilst the proposal is for a residential development - consistent with the broader character - it is considered that the wider site has been extensively developed and the introduction of another dwelling is unlikely to be acceptable on this backland plot given its relatively cramped nature, especially with the retention of most of the existing detached garage and

the need to maintain the ability of vehicles to turn around safely. These matters are discussed in more detail elsewhere in the report.

5.3.2 Whether harm would be caused to the character and appearance of the existing building and the wider area

Development proposals must respect the character and appearance of the local area, relate appropriately to the site's context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies DM01 and CS05 of the Barnet Local Plan, and 7.4 and 7.6 of the London Plan.

Policy DM01 states that all proposals should be based on an understanding of local characteristics preserve and enhance the local character of the area. They should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The proposed new dwelling would be a substantial two storey design with rooms in the steeply pitched roofspace that will appear as an incongruous overdevelopment to a backland site defined by the low, ranging bungalows of numbers 1 & 2 Boltmore Close. The site is visually separated from the surrounding two storey properties on Tenterden Drive by the lengths of their respective rear gardens and demonstrates as its own distinct context as an established infill development.

These relatively generous rear gardens - including to the existing properties on Boltmore Close - also define the pattern of the surrounding area, within the context of which the curtilage of the new dwelling would again appear incongruous.

The proposed dwelling's awkward visual relationship with the existing bungalows would also be exacerbated by its siting in front of 2 Boltmore Close at an almost-perpendicular angle, with no regard for the established building line, or the creation of sympathetic new configuration around the edge of the shared access space.

Outside of this context, the scheme is otherwise of unremarkable design and its merits will largely be determined by the quality of its proposed materials.

In summary, the proposed development goes against the established pattern of development, both in terms of siting and housing typology, to the detriment of the character of Boltmore Close.

5.3.3 Living conditions for future occupiers

The rooms in the newly created dwelling would have access to natural light; meet London Plan / Nationally Described Space Standards in terms of minimum bedroom size and width, gross internal floor area (122 square metres provided; 108 required for a 3 bedroom / 3 storey / 6 person dwelling) and provide adequate internal storage provision (2.5m²).

Notwithstanding the comments with regard to the prevailing character of curtilages and garden sizes, Barnet's Sustainable Design and Construction SPD notes that dwellings should provide outdoor minimum amenity space (see Section 2.3 Outdoor Amenity Space, pages 10-11) at 55m² for a new house with five habitable rooms. As per the glossary entry in the same document (page 51) habitable rooms that exceed 20m² will be counted as two, although this is not applicable for this application. The rear garden (excluding side accessway) provides this 55 square metre requirement almost exactly.

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

It will be important that any scheme addresses the relevant development plan policies, for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan, general principles of good planning in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

To the front of the property, the unadorned side elevation would be sited approximately 7 metres away from the front elevation of 2 Boltmore Close and its bank of front windows that appear to serve habitable rooms, with the proposed new side fencing only sited 5 metres away. With a poor respective north/south orientation, there is considered likely to be a harmful impact in terms of loss of daylight / sunlight.

To a lesser extent, both of these impacts are replicated at 1 Boltmore Close, whose outlook would also be harmfully affected by the scheme. This property is roughly at a 45 degree angle from the proposed development and just over 10 metres away at its closest point.

In terms of overlooking, the front windows appear to be screened by boundary treatment at ground floor level, although this screening would add to the sense of enclosure. The windows to the rear of the proposed property at first floor level would serve non-habitable rooms and would be expected to feature obscure glazing (and could be conditioned as such). However, their presence - together with the new mass of the building in relative proximity to the end of the neighbouring gardens - would introduce a level of perceived overlooking in addition to any visual obstruction. At second floor level the flank window facing south serves as the only natural light for the associated loft bedroom and would introduce a new element of overlooking into the rear garden areas of 11-15 Tenterden Drive - which are within 10.5m minimum as expected by the SPD. Notwithstanding changes to the levels to properties facing on to Tenterden Drive, these impacts are considered still to be apparent.

5.3.5 Parking, Highways and Cycle Storage

The development will provide 2 parking spaces in accordance with DM17 policy - one in the retained garage and one on the hardstanding to the fore. This has been considered by the Local Highway Authority and determined to be acceptable.

However, the building will alter the layout for parking and access for the existing bungalows and there is concerns regarding the ability of vehicles to manoeuvre within Boltmore Close, especially larger vehicles such as bin lorries or fine engines.

These concerns have been highlighted by both the Local Highway Authority and local resident objectors, including detailed representations / risk assessment in this regard supplied by HTA (a structural engineering firm).

Whilst the agent has provided reassurances regarding the scheme's lack of impact in terms of vehicle movements within the close, further details would be required to show widths and swept path movements of vehicles entering and leaving the existing and proposed site, including how bins will be collected from the site and access for emergency services. These would need to take into account the proposed development, existing parking arrangements and other site layout and any areas of land where manoeuvring of vehicles is not possible through land ownership issues. It is not considered that within the

context of this application those details could be deferred for condition, as they would be fundamental to the acceptability of the scheme in planning terms.

The London Plan requires 2no cycle spaces per dwelling and no cycle storage has been included within the proposals. With the rear garden matching the required outdoor amenity space provision nearly exactly and therefore unable to lose space to accommodate cycle storage (which does not count towards outdoor space provision - as per Sustainable Design and Construction SPD definition), there is a question mark whether secure, covered cycle parking can be accommodated successfully within the scheme as proposed, without a redesigned site layout. As such, again within the context of this application those details could be deferred for condition.

5.3.6 Refuse and Recycling

The site plan denotes an area for 'bins' along the side passageway. This is accessible to both the proposed dwelling and the highway and would be large enough to accommodate all required waste and recycling bins. As per the highways key issue above, there are outstanding concerns regarding the scheme's impact on traffic movements within the close, especially the turning of large vehicles. Given the length of the narrow access and the need to avoid backing out into the Great North Way, this could potentially prevent the collection of waste at both existing and new properties.

5.3.7 Landscape, Trees and Ecology

The main area for the proposed development is onto existing hardstanding and around the detached garage currently on site. The line of trees to the rear of the site is not affected by the main dwelling or associated hard landscaping and no trees are indicated as being felled on the plans.

However, if the scheme were to be approved, tree protection measures with supporting documentation would be required as a pre-commencement condition to prevent the loss of the trees during construction and provision of the rear garden, as they provide a visual screen to the properties beyond and are a valuable source of amenity in their own right.

Likewise, no details regarding the ecological credentials of the site and mitigation/enhancement measures considered have been provided.

5.3.8 Sustainability and Access

Again, no details regarding the sustainability of the scheme have been provided (carbon emissions, water consumption, M4(2) compliance etc). Standard issues such as water efficiency measures could be conditioned in the event of an approval however, understanding of how the scheme will be developed in line with the London Plan energy hierarchy and a commitment to an improvement in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations would be required.

5.4 Response to Public Consultation

- Inaccurate site plan and relationship to No 2: It is not apparent from where this inaccuracy is perceived. The building has been illustrated within its setting on the proposed Block Plan, Site Plan and Site Plan - Extract. All of these are consistent in

describing the building as indeed being set at a slightly oblique angle to the front elevation of the existing property and parallel to the fence at the rear. As such, the application has been assessed on that basis.

- Issues under the Party Wall Act: The consequences of any development with regard to the provisions of the Party Wall Act are not a relevant material planning consideration. The relevant consent/compliance under that Act is still required, and any grant of consent does not purport to discharge any other obligation in that regard.

- Parking arrangement not consistent with restrictive covenant: It has been stated that the Title Deeds prescribe that no part of the driveway can be inhibited with parked cars - meaning that the space to the fore of the garage could not be considered. Notwithstanding the comments in the main body of the report, restrictive covenants within Title Deeds are not a relevant material planning consideration. As above, any grant of consent does not purport to discharge any other obligation in that regard however, the enforcement of a Deed is a civil matter between those party to it.

- Character of applicant and objector(s) - Not relevant to the assessment of the application, or the associated representations, which will be considered and determined on their planning merits

Other concerns have been addressed in the report's consideration section above.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed development would have an unacceptable impact on the character and appearance of the application site and the surrounding area and would have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for REFUSAL

