

Location **2 Fitzalan Road London N3 3PD**

Reference: **19/6658/FUL**

Received: 13th December 2019

Accepted: 8th January 2020

Ward: Finchley Church End

Expiry 4th March 2020

Applicant: Mr & Mrs Barashi

Proposal: Demolition of existing dwellinghouse and erection of a three storey dwellinghouse with rooms in roofspace and basement level. Associated vehicular access and pedestrian access, parking, refuse and recycling store, landscaping and amenity space

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

1408/EX/001,
1408/EX/002,
1408/EX/003,
1408/EX/004,
1408/EX/005,
1408/EX/006,
1408/EX/007,
1408/EX/008,
1408/EX/009,
1408/P/001 rev B,
1408/P/002 rev B,
1408/P/003 rev B,
1408/P/005 rev B,
1408/P/006 rev B,
1408/P/007 rev C,
1408/P/010 rev B,
1408/P/011 rev B,
1408/P/012 rev B,
1408/P/013 rev A,

1408/P/014 rev B,
1408/P/015 rev A,
1408/P/016 rev A,
1408/P/017 rev A
MBP- 7279-300 P2,
MBP-7279-305 P2,
MBP-7279-310 P2,
MBP-7279-315 P2,
1408_P_008 Rev D,
1408/P/009 Rev C,
1408/P/004 Rev D,
Design and Access Statement Revision A November 2018,
Planning Statement December 2019,
Impact Assessment of Below Ground Development, Issue P2 - November 2018.
Daylight and Sunlight report

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

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

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

- 3 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 4 a) No development 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.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of 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, noise 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 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 5 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.

- 6 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 prior to the occupation of the hereby approved development.

- 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.

- 7 Before the building hereby permitted is first occupied the first floor and second floor (dormer) windows facing 4 Fitzalan Road and 175 to 179 Regents Park Road shall be glazed with obscure glass only and shall non-opening obscured glazed (up to a height of 1800mm).

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).

- 8 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.

- 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 Class 1 Part A - E of Schedule 2 of that Order shall be carried out within the area of the curtilage of the dwelling hereby 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).

- 10 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

- 11 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.

- 12 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 13 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 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).

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

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

- 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).

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 Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £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.

- 3 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 4 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
- 5 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>.

Officer's Assessment

1. Site Description

The subject site is located on the northern side of Fitzalan Road close to its junction with Regents Park Road. The site comprises a detached single family dwellinghouse over three storeys, constructed from brick with rendered elements. The existing property includes a crown roof with four dormers to facilitate habitable space at 2nd floor. The property has been subject to various extensions to the original dwelling.

The neighbouring property to the northwest, 4 Fitzalan Road, is also a detached house, and is set back from the road on a similar building line. Both houses are close to the property boundary, so there is only a narrow gap between them. The south eastern boundary of the subject site runs along the back gardens of houses that front Regents Park Road. The appeal property has a long rear garden that backs onto the even longer back garden of 1 Arden Road to the northeast. Land on the opposite side of Fitzalan Road is undeveloped parkland. The site is located within Flood Zone 1. The site has a Public Transport Accessibility Level (PTAL) of 3.

The site is not located within a conservation area and the existing building is not listed. However, it is noted that the site is located on the border of the College Farm Conservation Area.

2. Site History

Reference: F/04805/12

Address: 2 Fitzalan Road, London, N3 3PD

Decision: Withdrawn

Decision Date: 25 February 2013

Description: Erection of two storey single family dwelling including basement and rooms in roofspace, following demolition of existing dwelling

Reference: F/04662/13

Address: 2 Fitzalan Road, London, N3 3PD

Decision: Refused

Decision Date: 5 December 2013

Description: Erection of two storey single family dwelling including basement and rooms in roofspace, following demolition of existing dwelling.

Reference: 15/00816/HSE

Address: 2 Fitzalan Road, London, N3 3PD

Decision: Approved subject to conditions

Decision Date: 14 April 2015

Description: New 1200mm high wall and 1500mm high piers to front boundary following demolition of existing wall

Reference: 15/00820/HSE

Address: 2 Fitzalan Road, London, N3 3PD

Decision: Refused

Decision Date: 14 April 2015

Description: New 1800mm high wall to front boundary following demolition of existing wall

Reference: 15/05287/HSE

Address: 2 Fitzalan Road, London, N3 3PD

Decision: Approved subject to conditions

Decision Date: 23 December 2015

Description: New 1200mm high wall and 1500mm high piers to front boundary following demolition of existing wall. Installation of lighting to boundary wall. Installation of metal electrically operated sliding gates fitted within existing two driveway openings

Reference: 17/5895/FUL

Address: 2 Fitzalan Road, London, N3 3PD

Decision: Withdrawn

Decision Date: 23 November 2017

Description: Demolition of existing dwelling and erection of a new two storey dwelling with basement level and rooms in roofspace. Associated parking, refuse/recycling and cycle storage.

Reference: 18/6221/HSE

Address: 2 Fitzalan Road, London, N3 3PD

Decision: Approved subject to conditions

Decision Date: 17 December 2018

Description: Replacement of existing rear boundary fence with new up to 2.2m tall boundary fence

Reference: 18/7624/FUL

Address: 2 Fitzalan Road, London, N3 3PD

Decision: Refused

Decision Date: 17 May 2019

Description: Demolition of existing dwellinghouse and erection of a three storey dwellinghouse with rooms in roofspace and basement level. Associated vehicular access and pedestrian access, parking, refuse and recycling store, landscaping and amenity space

Reason for refusal:

1. 'The proposed development by reason of its siting, scale and massing will represent an overdevelopment of the site and would be detrimental to the appearance of the streetscene and the character of the locality. The proposal would therefore fail to comply with Core Strategy Policies CSNPPF, CS1 and CS5, Development Management Policy DM01, the Residential Design Guidance SPD 2016 and Sustainable Design and Construction SPD 2016.'

2. 'The proposed development by reason of its siting, scale and massing will result in overlooking of properties on Regents Park Road and will appear overbearing and result in a loss of outlook, to the detriment of the amenities of occupiers of properties on Regents Park Road and no. 4 Fitzalan Road. The proposal would therefore fail to comply with Core Strategy Policies CSNPPF, CS1 and CS5, Development Management Policies DM01 and DM02, the Residential

An appeal against this decision was submitted to the Planning Inspectorate in August 2019 (ref: APP/N5090/W/19/3235927). The appeal was dismissed by the inspector for the following reason:

"Harm with regards to the living conditions of neighbouring residential occupants, in particular the privacy of residents at 175-179 Regents Park Road due to overlooking from the proposed east-facing dormer windows."

3. Proposal

Demolition of existing dwellinghouse and erection of a three storey dwellinghouse with rooms in roofspace and basement level. Associated vehicular access and pedestrian access, parking, refuse and recycling store, landscaping and amenity space.

4. Public Consultation

138 consultation letters were sent to neighbouring properties.
A site notice was erected on 16.01.2020.

6 responses have been received, comprising 5 letters of objection.

The objections received can be summarised as follows:

- Subsidence problems;
- Damage to neighbouring properties;
- Out of character with the surrounding area;
- concerns regarding the building disturbance;
- The height of the roof;
- Impact the neighbours light, privacy and outlook;
- If sewage pipe needs to be rerouted there will be disturbance caused;
- The dwelling is at the bottom of the hill and the basement will block the natural drainage resulting in flooding;
- The building is 56% bigger than existing;
- Fear the owners are making the house bigger for visitors;
- Party wall agreement;
- Net addition to carbon emissions;
- Drainage concern;
- Foundation and soil concern;
- Overdevelopment;
- Tree protection.

Amended plans were revived on 10.03.2020 and neighbours were reconsulted on these amended plans for 14 days.

7 responses have been received, comprising 5 letters of objection.

- The same scheme.
- The amended plans do not address objection raised above.
- The previous planning officer refused the application on several grounds.
- The amended proposal would only obscure the side dormer windows.
- Lack of scaled 3D drawings, the inspector may not have picked up on the full massing of the proposed building.
- Distort the view at Mayflower Lodge.
- No day and night report submitted.
- Overdevelopment.
- Overlooking and privacy concerns.
- The minimum distance of 21 metres between properties with facing windows to habitable rooms as per the RDG SPD and SDC SPD regulations is not met to all 3 properties at 175, 177 and 179 Regents Park Rd.

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 revised National Planning Policy Framework (NPPF) was published 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. 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 early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

Barnet's Local Plan (2012)

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

Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5,

Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM09, DM17.

Barnet's Local Plan (Reg 18) 2020

Barnet's Local Plan -Reg 18 Preferred Approach was approved for consultation on 6th January 2020. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's emerging Local Plan. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be

determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of emerging policies and draft site proposals.

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.

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:

- Background history,
- The impact on the appearance and character of the area;
- The impact on the amenities of neighbouring and future occupiers;

5.3 Assessment of proposals

Background History

A similar scheme was refused by the Council under planning 18/7624/FUL for the demolition of existing dwellinghouse and erection of a three storey dwellinghouse with rooms in roofspace and basement level. Associated vehicular access and pedestrian access, parking, refuse and recycling store, landscaping and amenity space.

For the following reasons:

1. 'The proposed development by reason of its siting, scale and massing will represent an overdevelopment of the site and would be detrimental to the appearance of the streetscene and the character of the locality. The proposal would therefore fail to comply with Core Strategy Policies CSNPPF, CS1 and CS5, Development Management Policy DM01, the Residential Design Guidance SPD 2016 and Sustainable Design and Construction SPD 2016.'

2. 'The proposed development by reason of its siting, scale and massing will result in overlooking of properties on Regents Park Road and will appear overbearing and result in a loss of outlook, to the detriment of the amenities of occupiers of properties on Regents Park Road and no. 4 Fitzalan Road. The proposal would therefore fail to comply with Core Strategy Policies CSNPPF, CS1 and CS5, Development Management Policies DM01 and DM02, the Residential

An appeal against this decision was submitted to the Planning Inspectorate in August 2019 (ref: APP/N5090/W/19/3235927). The appeal was dismissed by the inspector on the grounds of residential harm with regards to the living conditions of neighbouring residential

occupants, in particular the privacy of residents at 175-179 Regents Park Road due to overlooking from the proposed east-facing dormer windows.

However, the inspector determined that "the proposed siting and footprint of the dwelling proposed would respect the pattern of development in the area. Although larger than the existing dwelling, it would not be out of scale with the size of the plot and it would have a more cohesive appearance than the existing house. The proposals would not, therefore, have a harmful effect on the character and appearance of the area".

The subject scheme has been amended to include non-opening obscured glazed (up to a height of 1800mm) east-facing dormer windows to prevent overlooking of 175-179 Regents Park Road rear gardens.

It was also requested that north west facing dormer be non-opening obscured glazed (up to a height of 1800mm) to prevent overlooking /privacy concern with no. 4 Fitzalan Road.

Impact of the proposal on the character and appearance of the area

The NPPF attaches great importance to the design of the built environment, stating that, "good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities" (para.124).

Policy DM01 states, 'development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

The site lies in a residential block that is characterised by large, closely-spaced, detached and semi-detached houses of various designs. The houses are set back from the roads, on rigid building lines, behind front gardens that are often enclosed by walls or hedges. Although the houses are largely of traditional design, there is no overriding architectural character.

Numbers 2, 4 and 6 Fitzalan Road form a distinctive group, as they are similar in scale, materials and design and share architectural details, such as curved bays, decorative hipped roof details and vertically proportioned windows. The contribution that the subject property makes to this group has been diminished by various extensions and alterations that have little regard to the original character of the building.

The planning inspector stated within the appeal decision that the proposed replacement dwelling would largely occupy the same footprint as the existing house. The inspector assessed that the first and second floor accommodation would extend much closer to the south-eastern boundary. As a result, there would be an increase in the mass of the building close to the rear garden boundaries of 175 - 179 Regents Park Road. The proposed replacement dwelling would provide a significant increase in internal accommodation, but much of this would be below ground level. The ground floor footprint of the house would be similar to the existing dwelling, and its ridge height would only be a little higher. The proposal would have an eaves height, ridge height and pitch that would be in keeping with surrounding development, so it would not appear out of character.

The inspector assessed that the proposed house would be significantly wider at first-floor and roof level, resulting in an increase in the mass of the building on its south-eastern side. However, this part of the building lies adjacent to the long rear gardens of the houses that front Regents Park Road, so a large gap between the buildings would be retained.

It is recognised that the proposal would be larger than number 4 Fitzalan Road, however it should be noted that the subject site is a wider plot. As such, it is able to accommodate a large dwelling. Furthermore, the inspector considered that the proposed property would be set on the same building line as No 4, and its eaves and ridge height would only be marginally higher than the neighbouring property. In an area that is characterised by a diversity of house types, the two houses would not appear incompatible.

The proposed basement is larger than the ground floor footprint, the inspector assessed that this would not be readily apparent, the only evidence at the front of the house would be a grill over a light well. The proposed rooflights at the rear to facilitate the basement would not be viewed by anyone outside of the site.

The inspector concluded that in terms of the ratio of built development to plot size, the proposal did not result in an overdevelopment of the site.

It is considered that the scale, bulk and height of the proposed dwelling would not be out of keeping with the surrounding area.

Impact on the Amenities of Neighbours

Barnet policy DM01 requires new development to have due regard to the amenity of existing occupiers in neighbouring buildings.

It should be noted that appeal (ref: APP/N5090/W/19/3235927) was dismissed due to the three second-floor dormer windows in the southeast elevation that would be close to the rear garden boundaries. These windows would serve a bedroom, and they would be at such a height that there would be a clear view down into the back gardens and the ground floor windows in the rear elevations of the Regents Park Road houses.

The current scheme has included non-opening obscured glazed (up to a height of 1800mm) east-facing bedroom and bathroom dormer windows to prevent overlooking of 175-179 Regents Park Road rear gardens. Furthermore, there are large outbuildings at the end of the rear gardens of 175 - 179 Regents Park Road, so the parts of the gardens nearest to the boundary are not used for amenity purposes. These factors would limit any overbearing impact of the proposals from the rear gardens of the Regents Park Road houses.

Furthermore, it was requested that north west facing dormer be non-opening obscured glazed (up to a height of 1800mm) to prevent overlooking /privacy concerns with no. 4 Fitzalan Road.

It is considered that the proposal will not cause any significant overlooking concerns and, on balance, the proposal is not considered to significantly harm the amenity of the occupiers of the neighbouring properties

Provision of adequate accommodation for future occupiers

In terms of the amenity for future occupiers, the Planning Authority expects a high standard of internal design and layout in new residential development to provide an adequate standard of accommodation. The London Plan and Barnet's Sustainable Design and Construction SPD sets out the minimum space requirements for residential units.

The London Plan (2016) and the Sustainable Design and Construction SPD (2016) set out the minimum space requirements for dwellings and bedrooms. The proposal includes 6 double bedrooms. The proposal exceeds the minimum requirements.

The bedrooms and living areas would be provided with a good level of outlook and daylight for each of the rooms. In the appeal scheme, in relation to the side facing dormer windows, the Inspector concluded that:

"As these would be the only windows serving the bedroom, it would be unreasonable to require them to be obscure glazed."

Although the side facing dormer windows to the two second floor bedrooms would be obscure glazed in the current scheme, the second floor layout has been amended so that each would have either a front or rear facing clear glazed window as well.

This is considered to result in a satisfactory quality of accommodation for future occupiers.

Provision of adequate outdoor amenity space for future occupiers

In terms of outdoor amenity space, Barnet's Sustainable Design and Construction SPD sets out the minimum standards for outdoor amenity space provision in new residential developments. The proposal features a rear garden which exceeds the minimum standards for outdoor amenity space.

Highways and parking provision

Barnet policy DM17 states that the Council will expect development to provide parking in accordance with the London Plan standards.

The proposed development would provide three car parking space to the front of the properties, which is not compliant with the recommended guidelines. The dwelling features 6 bedrooms. A second highway access will be created from Hendon Avenue.

It should be noted that the property as existing features three car parking space as such it would be the same arrangement. The proposal remains as a single family household and as there is parking for at least 3 cars this is deemed sufficient and the proposal is acceptable on parking and access grounds.

5.4 Response to Public Consultation

The public consultation responses have been addressed within the report and through conditions of consent.

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 and the previous appeal decision 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.



LOCATION PLAN scale 1:1250 @ A1

, N3	drawing title: Existing Site Block & Location Plans date: February '16 scale: 1:500 & 1:1250 @ A1	Lawrence:King architecture and design
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