

Location **Trees Austell Gardens London NW7 4NS**

Reference: **20/4044/FUL** Received: 2nd September 2020
Accepted: 23rd September 2020

Ward: Mill Hill Expiry 18th November 2020

Case Officer: **Jack Wride**

Applicant: Sammy Conway

Proposal: Erection of new dwelling on side of house. Associated refuse/recycling area, cycle store and amenity space, provision of street parking

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

Covering Letter (dated 01.09.20 and received 02.09.20)
PL01 - Location Plan (received 02.09.20)
PL02 Rev A - Context Plan (received 02.09.20)
PL03 - Existing Floors, Elevations & Site Plan (received 02.09.20)
PL04 Rev D - Proposed Ground Floor and First Floor Plan (received 26.02.21)
PL05 Rev D - Proposed Proposed Second Floor and Roof Floor Plan (received 26.02.21)
PL06 Rev D - Proposed Elevations (received 26.02.21)
PL07 Rev D - Proposed Sections Plan (received 26.02.21)
Amended Design and Access Statement Rev (dated 26.02.21 and received 02.03.21)

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

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

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

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the London Plan 2021.

- 4 No site works including demolition or construction work shall commence until a Demolition and Construction Management and 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 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 contractor's 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.
- xi. 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 updated London Plan (2021).

- 5 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 the updated London Plan 2021.

- 6 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until details of temporary tree protection have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy G7 of the London Plan 2021.

- 7 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 2012) and the updated London Plan 2021.

- 8 Before the development hereby permitted commences, the applicant shall submit for approval details of measures to improve biodiversity on the site in accordance with guidance set out within BS42040:2013: Biodiversity - Code of practice for planning and development, and guidance documents provided by the Chartered Institute of Ecology and Environmental Management (CIEEM) and the Royal Town Planning Institute (RTPI) for approval.

The development shall then be implemented in full accordance with these details

Reason: To ensure that there is net gains in biodiversity in accordance local planning policy DM16 and Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy G6 of the London Plan 2021.

- 9 a) Notwithstanding the approved plans, 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).

- 10 a) Notwithstanding the approved plans, 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 T5 and Table 10.2 of The London Plan (2021) 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.

- 11 Prior to occupation of the development, parking spaces and the access to the car parking spaces from public highway shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles, with the parking space lining up correctly with the vehicle crossover likely to be approved by the Highways Authority, 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.

- 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 Before the building hereby permitted is first occupied, the proposed side facing first floor windows in the north/south elevations, facing Chatsworth / Trees, 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 2016)

- 14 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 10% in carbon dioxide emissions when compared to a building constructed to comply with the baseline of Part L of the current Building Regulations (2021). 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 SI2 of the London Plan (2021) and the 2016 Mayors Housing SPG.

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

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy SI05 of the London Plan 2021 and the 2016 Mayors Housing SPG.

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

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policy D7 of the London Plan (2021) and the 2016 Mayors Housing SPG.

- 17 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 Class of Part 1 of Schedule 2 of that Order shall be carried out within the area of the proposed dwelling hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the proposed landscaping, the visual integrity of the design and the general locality within this confined location in accordance with Policy 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 and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £60 payment under Mayoral CIL.

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. Your planning application has therefore been assessed at this time as liable for a £135 payment under Barnet CIL.

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 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 4 For any proposal new crossovers or modification to existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

Please Note: A maximum width of a crossover allowed from a public highway is 4.2 metres.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossovers Team, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

5 If a concrete pump lorry is operated from the public highway, 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.

6 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine."

7 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 application site relates to a new infill plot between the detached properties of Trees and Chatsworth on the east side of Austell Gardens. There is a slight north-south fall in the land across the site.

The immediate area of Austell Gardens is a residential cul-de-sac, with a variety of different housing design and typologies, primarily detached, but with terraced groupings at the head of the road. The pattern of development, including plot size and gaps between buildings is likewise mixed, but generally tending towards smaller gaps than usual between larger detached properties.

The site is not located within a Conservation Area nor subject to any other relevant planning designations. It has a PTAL rating of 0 (worst) and is in Flood Zone 1.

2. Site History

Various onsite extension to the Trees property, including W02345K/06 - erection of single storey front/side extension (approved 14.12.2006) and H/01746/09 First floor side extension (approved 15.07.2009).

No formal planning history regarding the creation of a new dwelling on this site.

2.1 Other Relevant History

H/03498/12 - Front porch extension, conversion of garage into habitable space including replacement of garage door with matching window at Chatsworth. Approved 06.11.2012.

3. Proposal

Erection of new dwelling on side of house. Associated refuse/recycling area, cycle store and amenity space, provision off street parking
Dwelling Details (3 bedroom / 5 person dwelling)

The proposed dwelling is a narrow gable end design. Maximum dimensions 14.9 metres by 6 metres with a staggered rear elevation at both ground and first floors (with cut-out sections facing Chatsworth). Distance to plot boundary approximately 0.9 metres. Materials are brick, tiles and UVPC windows.

Waste and recycling areas are designated in the front garden area, alongside two off street parking spaces. Cycle storage in rear garden (accessible via side passageway).

Total Number of Habitable Rooms: 6 (including 2 double sized), including 3x Bedrooms with en-suites (11.1 m and 20.6 m²) & Living/Kitchen Room (65m²) - Note the loft bedroom is designated bedroom 4 in error

Gross Internal Area - 147m² (72m² ground floor / 55m² first floor / 20m² second floor)
Private Amenity Space - 125m² (rear garden, excluding bike storage and pathways)

This is a revised scheme, with design improvements to the roof form; removal of dormer window; removal ambiguities regarding boundary and works outside of the application red line; and reductions to both front and rear footprints of the proposed property to better correspond to the building line.

4. Public Consultation

Neighbour consultation letters were sent to 44 neighbouring properties and a general site notice (posted on 01.10.2020).

Twelve (12) responses were received, including from the Mill Hill Preservation Society, which are summarised below:

- o Neighbouring Amenity - Height, design and proximity of the proposed construction would significantly impact on Chatsworth, including loss of light and privacy
- o Neighbouring Amenity - Loss of privacy for 33 Tretawn Gardens to rear of site
- o Neighbouring Amenity - Neighbouring windows not shown on plans
- o Character & Appearance - The proposal is contrary to para 6.8: "The character of streets with detached houses...is informed by gaps between buildings, and this rhythm of development should be maintained".
- o Character & Appearance - Depth of the proposed building is such that a terracing effect
- o Character & Appearance - The proposed house is on a narrow plot of land that does not adhere to the minimum distance from Chatsworth.
- o Character & Appearance - The proposal is not in keeping with the pattern of local development and is an obvious example of overdevelopment.
- o Character & Appearance - Precedent for further development in Austell Gardens
- o Character & Appearance - Removal of a number of trees and other landscape features
- o Character & Appearance - Against the principles for new dwelling set out in Barnet's Residential Design Guidance
- o Transport - Austell Gardens is a very narrow cul-de-sac, which reduces to a single lane outside the proposed development. There is inadequate space for the inevitable increase of traffic
- o Transport - Off street parking is a major issue for all residences in this road
- o Transport - Parking provision of two spaces may or may not meet policy, but the site is too small to accommodate any more (visitor) vehicles, which would put pressure on the already congested local roads.
- o Transport - Impact on refuse collection
- o Transport - Narrowness of the road at the site does not lend itself to creating a drive entrance
- o Transport - Issues during construction with loading and turning of heavy construction vehicles. Damage to the road surface. The construction period would prevent access for residents and emergency vehicles further down the road putting people, including children, at risk

Please see the main appraisal section for responses.

- o Drainage & sewage issues would be exacerbated

Such issues fall outside of the remit of the planning system. This issue would be covered by Thames Water.

- o Why are there no dimensions shown on the drawings?

The plans are to a standard scale and, as such, measurements can be effectively scaled off the drawings. They meet the required minimum standards set out in Barnet's Local Requirements

- o Building an additional property on the site of Trees would be in direct contravention of the restrictive covenant
- o Disputed the boundary demarcation on our side of the proposed development between Trees and Chatsworth

Covenants and other such issues are not within the remit of the planning system and would need to be resolved by interested parties through the legal system.

- o Why has the council NOT advised us of this development as of today's date 25th September 2020

Property is listed on the system as having been sent a consultation letter (in addition to the site notice posted). The number of comments received suggests there has been no substantive issues with the neighbour consultation and the representation from this property has formed part of the planning assessment.

4.1 Internal Consultation

Barnet's Transport and Development Team commented on 13.10.20 :

The proposal is for the construction of a new 4+bed single family dwelling with the provision of 2x off-street car parking spaces. The proposed provision of 2x off-street car parking spaces is in line with requirements set out in Policy DM17 of the Barnet Local Plan and is therefore acceptable on Highways grounds.

A revised, detailed drawing, showing the dimensions of the proposed car parking spaces and vehicular access to be approved by the highways authority. A condition to this effect has been included

This will require the construction of a new vehicular crossover. The applicant must make an application to the Highways Domestic Crossovers Team prior to the commencement of any works on the highway. Please note that this approval is subject to further approval by the highways domestic crossovers team. The applicant is advised that a minimum of 2.4m gap between crossovers is required and all crossovers must be between 2.4m and 4.2m wide. An informative to this effect has been included below.

The proposed refuse location is acceptable on highways grounds.

Cycle parking and cycle storage facilities should be provided in accordance with the London Borough of Barnet's Local Plan, in the interests of promoting cycling as a mode of transport. For a proposal such as this, the required cycle parking provision is 2 spaces.
Recommendation

The Arboricultural Officer commented on 11.10.20 and 05.03.21 :

No supporting arboricultural information has been provided to support the application. There are trees of various sizes located on the boundaries of the site. Some of these trees on the front boundary will need to be removed to facilitate the development.

Google street view indicates that the trees on the front boundary, holly and cypress trees are not of a quality to merit special protection.

Where trees are removed replacement trees must be provided. There is sufficient space within the property to do this in the front garden.

An arboricultural survey is required to evaluate the extent required tree protection measures and mitigation tree planting required. Primarily it is the trees located in the rear garden are most at risk from harm due to construction activities such as material storage, pollution vehicle and plant movements.

- o The design of the front garden and car parking must retain established trees where possible.
- o There are no trees directly impacted by the footprint of the building.
- o No detailed landscape plans have been provided. A detailed landscape plan that provides new trees and shrubs that builds on the character of the local area.

No details provided / no preliminary ecological assessment needed.

The development must demonstrate net improvements to biodiversity.

Recommendations

No objection - subject to conditions regarding tree protection to the rear, biodiversity net gain and a scheme of landscaping

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) (June 2019 revision) 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 2021

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.

Policy H2 Small sites

Boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to:

- 1) significantly increase the contribution of small sites to meeting London's housing needs
- 2) diversify the sources, locations, type and mix of housing supply
- 3) support small and medium-sized housebuilders
- 4) support those wishing to bring forward custom, self-build and community-led housing
- 5) achieve the minimum targets for small sites set out in Table 4.2 as a component of the overall housing targets set out in Table 4.1.

Mayor's Housing Supplementary Planning Guidance (March 2016)

Nationally Described Space Standard (March 2015)

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, CS2, CS5.

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.

- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM17

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

minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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:

- Principle of development and 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;
- Whether harm would be caused to the living conditions of future occupiers;
- Whether harm would be caused in terms of traffic, highway safety and parking;
- Provision of Refuse and Recycling
- Whether there is an impact on trees
- Sustainability Issues

5.3 Assessment

5.3.1 - Principle of Development and whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;

The National Planning Policy Framework 2019 reiterates the original guidance from the 2012 version stating 'the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

In addition to the NPPF, Policy CS5 of the Core Strategy states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'. In addition to this, Policy DM01 of the Council's Development Management Policies 2012 states that 'development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets' development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused'.

The London Plan also contains a number of relevant policies on character, design and landscaping matters. Buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows

existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment.

The NPPF outlines at para 11 that decisions should be taken with a presumption in favour of sustainable development. Paragraph 118 states that Local Authorities should "give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land". The paragraph goes on to state that Local Authorities should "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing...."

Concerns regarding the development's relationship form a key part of the objections to the scheme. The site is located in an existing housing area where policy DM01 directs new housing and would form a small site, which the new London Plan acknowledges as key part of housing delivery in the borough. Austell Gardens has a mixed streetscape as noted in the site description with a varied pattern of development with buildings often found in clusters. These range from terraces groups near the head of the road and detached properties at far end with minimum gaps between dwellings.

As such, the general principle of the development is acceptable given the varied streetscape that prevents there being one consistent pattern or rhythm to the development, but consideration must be taken the visual impacts and more general principles of good design to ensure it meets the requirement of the aforementioned policies, avoiding any terracing effects; respecting the building line; and preventing overdevelopment of the plot that would leave a cramped feel to the proposed property and its neighbours.

It is acknowledged by the applicant the site is tightly constrained in terms of location and size for a larger detached dwelling. The applicant has therefore opted for a low-key design to respond to this challenge, which in general succeeds in its attempt to blend into the background alongside the other houses of Austell Gardens.

The revised scheme follows the stagger of the existing building line at both front and rear and retains near 1 metre gaps both ground and first floor levels to either boundary to prevent the worst potential impacts of the terracing effects. The initial side dormer windows have also been removed to reduce its massing when viewed from Austell Gardens with a front gable design ensuring the roof pulls away from the shared boundary to both sides. While there is no strict numerical figure regarding a new dwelling's relationship to the plot boundary and neighbouring development set out in Barnet's Residential Design Guidance, this house would meet the criteria for side extensions in this document, which provides a useful rule of thumb in this regard.

5.3.2 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) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

The strong objections on these grounds, especially from the neighbouring property 'Chatsworth' are noted and have been given careful consideration as part of the below assessment.

Privacy is an important design issue and the positioning of homes, including their windows and balconies, should be carefully considered to ensure that adequate privacy is maintained. In particular, habitable rooms and areas of private gardens close to dwellings should not be excessively overlooked by windows or elevated amenity areas such as balconies/terraces

The front of the proposed property is in line with the staggered building line at this point in Austell Gardens and would not present any amenity issues to its fore. The scheme's revised design to the rear has clearly been informed by the constraints of the application site with due regard taken to the amenity of neighbouring occupiers with a reduced depth to the ground floor elements and cut out sections in proximity to Chatsworth to the south. The proposed first-floor element is also set significantly further back on this side and is in line with the main rear elevation of Chatsworth. The orientation (north-south) and height (same level) relationship between the proposed property and the more vulnerable Chatsworth is respectively either favourable or neutral.

In terms of windows, the ground floor rooms at Chatsworth have an existing impediment courtesy of boundary fencing (allowable up to 2m in height) in close proximity. The first floor rooms are more vulnerable to unacceptable additional impacts, but appear to either serve non-habitable rooms (bathroom) or are dual aspect rooms. Although not prescribed within the LB Barnet Local Plan, the scheme would pass the 45 degree test from rear windows at both Trees and Chatsworth - a standard planning test to assess sense of enclosure and loss of daylight / sunlight.

On the opposing side, the existing double height rear extension at Trees will shield the development from the majority impacts of the proposed dwelling, with both properties terminating on the same rear boundary line. There are no main windows on Trees' south facing side elevation for this scheme to affect.

In terms of privacy, all side facing windows on the proposed dwelling are either obscurely glazed (compliance would be ensured via condition) or are roof lights with very restricted lines of sight. To the rear, 33 Tretawn Gardens is approximately 40 metres distant (well over the prescribed 21 metres separation distance) and would suffer little additional overlooking above that of the existing rear windows along Austell Gardens.

As such, and considering the development is located within an existing building line where there is some expectation of reduced light and sense of enclosure, the scheme is considered, on balance, not to cause unacceptable harm to the amenities for occupiers of Chatsworth, and to have little impact at Trees.

Any additional future impacts would be carefully regulated with removal of Permitted Development rights for the main property.

5.3.3 Impact on the future occupiers

Section 8.4 of Barnet's Local Plan SPD: residential design guidance states: "in designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides reasonable level of privacy".

In addition to this, section 2.4 of the SPD for sustainable design and construction states that "the impact of development on the availability of daylight / sunlight and privacy to the

occupants of existing buildings and the occupants of new development is strongly influenced by design and contributes significantly to the quality of life.

The amount of daylight available in buildings enhances people's quality of life and reduces energy use. The Mayor's Housing SPG standard 5.5.2 recommends that development should preferably have direct sunlight in living areas and kitchen dining spaces and all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Overheating should be considered when designing for sunlight".

Table 3.1 of the London Plan (2021 edition) and Barnet's policies and table 2.1 of Barnet's Sustainable Design SPD (Oct 2016) set out the minimum residential space standard requirements for new residential units. The required Gross Internal Area (GIA) for unit is as follows: 3 bedroom unit for 5 persons on three floors requires 99sqm.

The proposed dwelling therefore meets and exceeds the minimum GIA requirements.

Floor to Ceiling Height / Minimum Rooms Size

Policy D6 of the updated London Plan states that a minimum ceiling height of 2.5 metres is required for at least 75% of the gross internal area of a dwelling; internal storage areas and gives minimum bedroom sizes and widths. The proposed dwelling meets and exceeds all these requirement

Outdoor Amenity Space

The Sustainable Design Construction and the Residential Design Guidance SPD highlighted the importance of good quality amenity space. Section 2.31 highlights that 'outdoor amenity space is highly values and suitable provision will help to protect and improve the living standards of residents as well as contribute to maintaining and enhancing the wider character of the borough. Residential units with insufficient garden or amenity space are unlikely to provides good living conditions for future occupiers.

In addition, paragraph 8.8 of the Residential Design Guidance (RDG) SPD outlines the importance of high quality amenity space. It notes that "Awkwardly shaped, narrow and very steeply sloping amenity spaced should be avoided and will not be considered to count towards usable outdoor amenity space".

Section 2.3 of the Sustainable Design and Construction SPD (2016) requires for a house with six habitable rooms a minimum of 70m² of outdoor amenity. As per the residential Design Guidance glossary, rooms exceeding 20m² will be counted as two.

As the property supplies 125m² of outdoor amenity space it easily meets this target. Due to the large plot size, Trees would retain enough amenity space of its own to also satisfy the SPD's requirements

Natural Light / Outlook

The London Plan Housing Supplementary Planning Guidance notes that units should demonstrate that all habitable rooms and the kitchens are provided with adequate privacy and daylight and that the orientation enhances amenity, including views. Furthermore, the Mayors Housing Supplementary Planning Guidance outlines that units must demonstrate that adequate privacy, daylight and orientation including views are adequate for habitable rooms.

Barnet Councils Sustainable Design and Construction SPD under section 2.4 'Daylight, Privacy (minimum distance), Outlook and Light Pollution' highlights the need for development proposals to ensure that the availability of daylight/sunlight for new developments is adequate and contributes significantly to the quality of life of future occupiers.

Within the design principles section, the SPD highlights that all glazing to habitable rooms should normally not be less than 20% of the internal floor area of the room.

Overall, it is considered the proposed outlook would be, on balance acceptable in all of the above respects, with the issues regarding outlook of the north/south elevations and some obscure glazing mostly solved by room configurations designed to be dual or even triple aspect, and open plan areas to maximise light infiltration.

Privacy

In terms of privacy, it is considered the proposal would result in adequate levels of privacy to future occupiers with no close interactions from unobscured windows to neighbouring properties beyond those usually found in close knit urban environments.

5.3.4 Refuse and Recycling

The bin storage area is located within the front garden area is within 10 metres of the public highway. This area is able to provide the levelled access required for the refuse collection personnel to collect the bins. Further details regarding enclosures to screen these facilities and to confirm that the required on-site capacity is present will be sought via condition.

5.3.5 Traffic and Parking

The site is located within a PTAL rating of 0 (with 1 being low and 6 being high) indicating average links to public transport.

Policy DM17 sets out the parking requirements for new developments. The required off-street car parking provision for a detached property such as this is between 1.5-2). It has a very low PTAL that means it is being assessed at the top end of this bracket in terms of parking requirements.

The proposal indicates space for 2 off street spaces to the front of the property. As such the proposal is considered to meet the requirements of DM17 and is acceptable in terms of parking provision, with the caveat that the proposed crossover configuration, and therefore the associated parking layout, will likely require a redesign to be acceptable to the Highways Authority.

This level of required parking assessed under the Local Plan Policy DM17 is in line with the updated London Plan, which requires a maximum of 1.5 spaces per small unit (3 bedroom) within 0-2 PTAL sites located in the outer boroughs, but with higher levels of provision where there is clear evidence that this would support additional family housing, such is the case with the proposed dwelling.

Barnet Highways Team have indicated the scheme is acceptable on these grounds. Details raised in objections to the scheme such as impacts during construction would be covered by a Demolition and Construction Management Logistics Plan requested via condition.

The applicant has shown provision of 2 cycle spaces. The London Plan stipulates that new development should provide 1 cycle space for 1-bedroom units and 2 for any other sized unit. As such the proposal requires 2 cycle spaces. These would be located within a bike store to the rear of the property. This is an acceptable accessible (via side access). There are no details provide of the design of the bike enclosure, which will need to be secured and covered. A condition has been attached requiring details of this prior to occupation of the development.

5.3.6 Trees

Policy DM01 of the Adopted Barnet Development Management Policies advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible.

Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

National Planning Policy Framework section 118: Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

The proposal would result in the loss of a number of small trees on the site's frontage. The Arboricultural Office has not deemed these worthy of retention as having significant amenity value but notes their general contribution to amenity and site ecology. The replacement soft landscaping therefore needs sufficient visual and ecological quality too help compensate for their loss, and that this has been incorporated in a condition for general improvement in biodiversity, alongside the standard landscaping condition.

The more mature trees to the rear of the site are not directly affected by the new development, with the nearest rooting area / canopy starting approximately 6 metres from the proposed conservatory. Tree protection measures will be required to prevent stockpiling and other issues during construction potentially affecting them and have thusly been conditioned.

As such, the scheme is considered to be acceptable in these terms, subject to conditions requiring the provision of new planting /landscaping; net ecological gain and provision of suitable tree protection.

5.3.7 Sustainability.

In respect of carbon dioxide emission reduction, the scheme should be designed to achieve a 10% CO₂ reduction over current building baseline figures (as a non-major residential site). This level of reduction is considered to comply with the requirements of Policy SI 2 - Minimising greenhouse gas emissions of the updated London Plan (2021) and the 2016 Housing SPG's requirements and a standard condition has been applied to ensure compliance with these Policies.

In terms of water consumption, a standard condition has been attached to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy SI 5 Water infrastructure of the London Plan (2021).

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

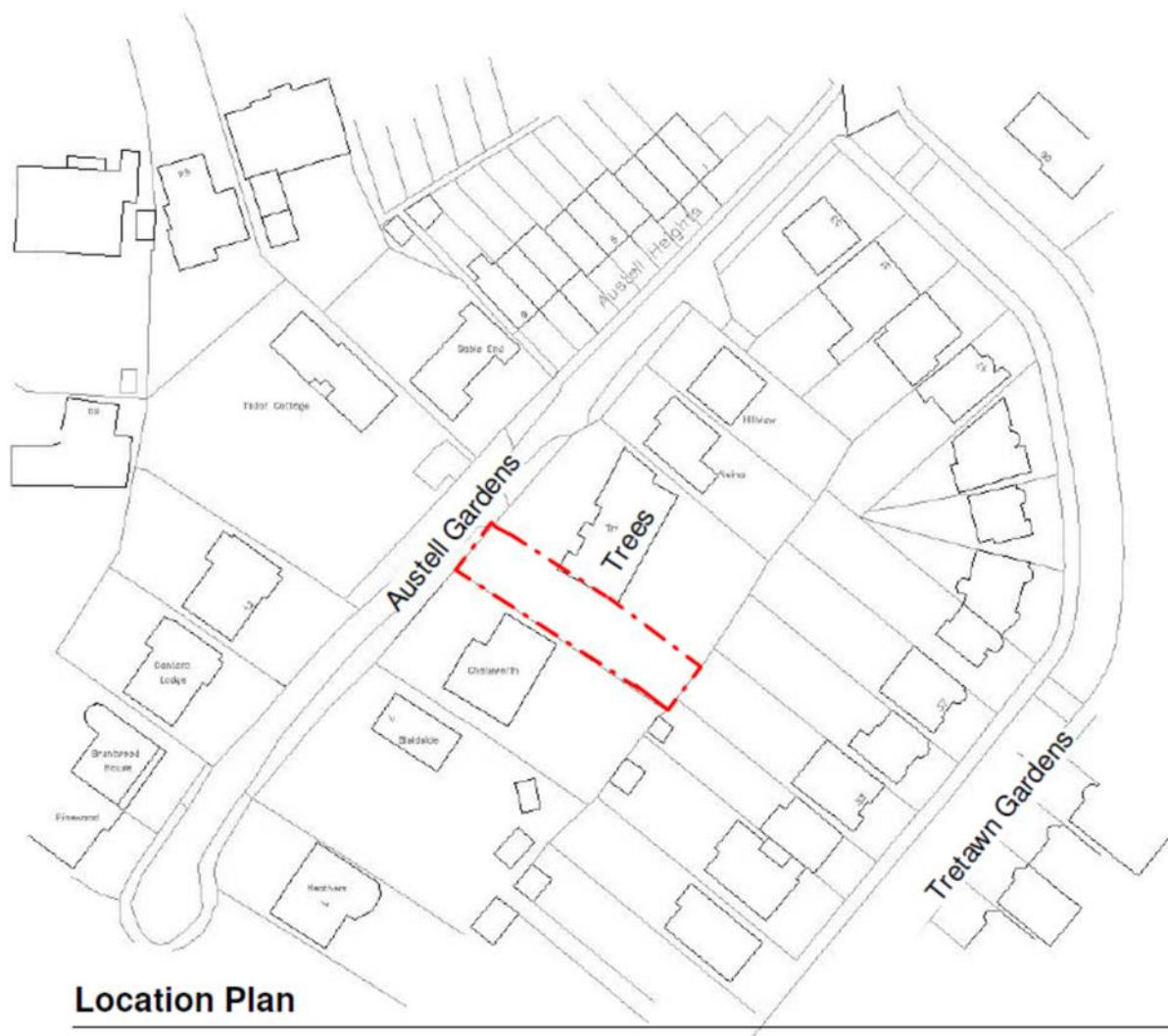
6. Equality and Diversity Issues

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

Whilst still a substantial dwelling in a relatively narrow site, the revised scheme is considered to have successfully addressed the various specific issues stemming from its siting in its initial design.

As such, it is considered to accord with the requirements of the Development Plan and is therefore, on balance, recommended for APPROVAL.



Location Plan
