

Location **3 Cavendish Road Barnet EN5 4ED**

Reference: **21/2002/FUL**

Received: 9th April 2021

Accepted: 12th April 2021

Ward: High Barnet

Expiry 7th June 2021

Case Officer: **Olivia Fuller**

Applicant: MR Eranda Aponso

Proposal: Demolition of the existing bungalow and detached garage and erection of 2no two storey dwellinghouses with rooms in the roofspace. Associated amenity space, refuse/recycling store, off-street parking and cycle storage

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:

JLB/204/LP/C - Location Plan;

JLB/204/BP/C - Block Plan;

JLB/204/EX/00/ - Existing Floor Plan;

JLB/204/EX/01/ - Existing Front Elevation;

JLB/204/EX/02/C - Existing Rear Elevation;

JLB/204/EX/03/C - Existing Side Elevations;

JLB/204/PR/01/C - Proposed Site Plan;

JLB/204/PR/02/C - Proposed Ground Floor Plan;

JLB/204/PR/03/C - Proposed First Floor Plan;

JLB/204/PR/04/C - Proposed Loft Plan;

JLB/204/PR/05/C - Proposed Roof Plan;

JLB/204/PR/06/C - Proposed Front Elevation;

JLB/204/PR/07/C - Proposed Rear Elevation;

JLB/204/PR/08/C - Proposed Right Side Elevation;

JLB/204/PR/09/C - Proposed Left Side Elevation;

JLB/204/PR/10/C - Proposed Left Side Elevation;
JLB/204/PR/11/C - Proposed Right Side Elevation;
JLB/204/PR/12/C - Section A A';
JLB/204/PR/13/C - Section B B';

t16 Design - Daylight and Sunlight Assessment Issue 2 - May 2021;
Roavr Environmental Report - Arboricultural Implications Assessment and Method Statement - Version 3.0 - 07.04.21;
Bat & Barn Owl Surveying Services - Preliminary Roost Survey for Bats & General Ecological Assessment - Feb 27th 2021;
Imperial Technical Consultants- Energy and Sustainability Report Rev 2 April 2021;

Apcar Smith Planning- Planning Statement.

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 Notwithstanding the approved plans, 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.

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 D1 and D4 of the London Plan 2021.

- 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.

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 T7, D14 and SI 1 of the London Plan (2021).

- 5 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.
- Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reasons: In the interest of good air quality in accordance with London Plan 2021 Policy SI 1.

- 6 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 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.

- 7 Before the building hereby permitted is first occupied the proposed windows in the side elevations facing Nos. 1 and 5 Cavendish Road, and the inward facing side windows of the new houses, shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 8 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 SI 5 of the London Plan 2021.

- 9 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 D6 and D7 of the London Plan 2021.

- 10 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement in carbon dioxide emissions of a minimum of 10% when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 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 SI 2 of the London Plan 2021.

- 11 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 new dwellings at 3 Cavendish Road, EN5 4ED, hereby approved.

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

- 12 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 G7 of the London Plan 2021.

- 13 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved (ROAVR Environmental report ref:- 21_5837_03_10 section 9. Method Statement and supporting Tree Protection Plan) 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. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees 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 DPD (adopted September 2012) and Policy G7 of the London Plan 2021.

- 14 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 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 G7 of the London Plan 2021.

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies D1, D8 and G7 of the London Plan 2021.

- 16 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 treatment of boundaries should be permeable to species such as hedgehogs (*Erinaceus europaeus*) and common toad (*Bufo bufo*), with the introduction of a minimum of 1 no 13 x 13cm ground level access 'hedgehog hole' between the application site and each neighbouring piece of land to enable connections and prevent the fragmentation of habitat

c) 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, DM16, 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).

- 17 Prior to the first occupation of the development, the details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins and other refuse storage containers, shall be implemented at the site in accordance with the details shown on drawing no. 02C.

The development shall be implemented in full accordance with the details as hereby approved 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 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 submitted Construction Method Statement shall include as a minimum details of:
 - o Site hoarding
 - o Wheel washing
 - o Dust suppression methods and kit to be used
 - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
 - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable

means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.

- o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

- o For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

- 3 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."

- 4 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 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 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.

- 5 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 4500.

- 6 The submitted Construction Method Statement shall include as a minimum details of:
- o Site hoarding
 - o Wheel washing
 - o Dust suppression methods and kit to be used
 - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
 - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
 - o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

 - o For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

OFFICER'S ASSESSMENT

1. Site Description

The application site contains a detached bungalow sited on a relatively generous plot, on the western side of Cavendish Road within the High Barnet ward. The road contains a mixture of single storey dwellings (to the south) and two storey semi-detached and detached dwellings. The property is not listed nor does it lie within a Conservation Area.

The plot is irregular in shape with a wider rear section which accommodates an attractive garden, with some mature vegetation in the rearmost section. There are however no TPOs on the site. At the front, the property benefits from a carriageway and a detached garage adjacent to No.5, which is two storeys in height.

There is a gentle drop in ground levels towards the west (rear).

The site is located in Flood Zone 1, which is considered to have a low probability of flooding.

The site has a Public Transport Accessibility Level (PTAL) of 1a, which is considered low.

2. Site History

Reference: 20/3734/PNH

Address: 3 Cavendish Road, Barnet, EN5 4ED

Decision: Prior Approval Not Required

Decision Date: 14 September 2020

Description: Single storey rear extension with a proposed depth of 8.00 metres from original rear wall, eaves height of 3.00 metres and maximum height of 4.00 metres.

3. Proposal

This application seeks full planning permission for the demolition of the existing bungalow and detached garage and erection of 2no two storey dwellinghouses with rooms in the roofspace. Associated amenity space, refuse/recycling store, off-street parking and cycle storage.

The dwellings are as follows:

- 3 = 4 bed, 7 person unit with a Gross Internal Area (GIA) of 178 sqm.
- 3a = 4 bed, 7 person unit with a GIA of 190 sqm.

Unit 3 would benefit from 289m² of private amenity space.

Unit 3A would benefit from 215m² of private amenity space.

Both units would benefit from 2no. car parking spaces on the front forecourt.

Site photos were provided by the applicant with the submission.

4. Public Consultation

Consultation letters were sent to 43 neighbouring properties. 7 objections have been received, these have been summarised below:

- Overbearing
- Loss of privacy
- Harm to character and appearance of streetscene
- Excessive scale, height and massing
- Loss of light and outlook
- Loss of light to rooflight window which looks towards No.3
- Out of character development
- Concerns over impact on neighbouring foundations
- Impact on building line

A site notice was posted on the 15 April 2021.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 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 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous 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, CS5.
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM09, DM16, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the 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.

Barnet's Local Plan (2012)

Barnet's Draft Local Plan -19 - Publication was approved on 16th June 2021. The Reg 19 document sets out the Council's draft planning policy framework together with draft development proposals for 67 sites. It is Barnet's draft 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 the policies and draft site proposals in the draft Local Plan.

Supplementary Planning Documents

Residential Design Guidance SPD

Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of Development
- Impact on the Character of the area
- Impact on Amenity of neighbouring occupiers
- Impact on Amenity of future occupiers
- Highways
- Ecological Considerations
- Trees
- Refuse and Recycling
- Sustainability

5.3 Assessment of proposals

Principle of Development

Policy DM01 of the Development Management Policies (Adopted 2012), state that new residential developments must harmonise with and respect the character of the area, and the design of the proposal is considered to be consistent with the established character of the area.

The principle of demolishing the existing dwelling is considered to be acceptable. The property is not listed or within a conservation area and is not of any particular architectural merit to warrant its retention.

Given the size of the host site and of the plot sizes in the surrounding area, the subdivision of the plot to accommodate two dwellings is considered acceptable in principle. The plot widths would reflect the spatial pattern of development of Cavendish Road.

Policy DM08 states that maintaining and increasing the supply of family housing is considered a priority in the Borough. Homes with 3 and 4 bedrooms are considered a priority dwelling type. This application seeks to introduce 2 x 4 bedroom single family dwellings. The development would therefore comply with Policy DM08 and would increase the supply of a priority dwelling type.

Impact on the Character of the area

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), D1, D3 and D4 (both of the London Plan).

The site resides within a curve on Cavendish Road, the site plan indicates that the dwellings would be staggered with 3 Cavendish Road set forward of the proposed No.3A property. The plans indicate that No.3A would be sited forward of No.5 Cavendish Road by 1.45m and the front building line of No.1 would be marginally set forward of No.3 by 0.75m. There would also be a recess of no.3A behind no.3 of 1.45m. The staggered building lines are considered acceptable as they would follow the natural curve within this part of Cavendish Road and would not harm the character and appearance of the streetscene. No concerns have been raised regarding the rear building lines of the dwellings.

The character of the properties on Cavendish Road is relatively mixed. The host dwelling itself is a one-storey property, of a similar design to the neighbouring property at No.1 Cavendish Road. Whereas, No.5 Cavendish Road is a two-storey detached dwelling. There are also examples of two-storey semi-detached dwellings in the immediate vicinity of the site. Given the mixed character of the local area, the proposed detached dwellings would relate sympathetically, with particular reference to the immediate neighbour at No.5 Cavendish Road.

With regard to the spacing between the properties, the plans indicate that the dwellings would retain a separation distance of 2.1m between No.3 and No. 3A Cavendish Road. At its nearest, a set back of 1.9m would be retained from the flank wall of No.1 Cavendish Road (and No.3) and 2.4m from the flank wall of No.5 Cavendish Road (and No.3A). The siting of the dwellings in relation to each other, and neighbouring properties would generally respect the existing arrangement between the dwellings on this part of Cavendish Road.

It is considered that the design of the proposed dwellings would reflect the character and appearance of the general streetscene and the proposed variations between the two dwellings are welcome as they add visual interest to the development.

In terms of design, both properties are served by crown roof forms. Whilst limited examples exist within the streetscene, given the scale and design of the roofs it is not considered that the proposed roof form would appear incongruous within the streetscene.

1no. side dormer is proposed on No.3 Cavendish Road, with 1no. side and 1no. rear roof light in addition to a skylight on the top of the crown roof. Following an assessment of aerial imagery, it is noted that several properties in the surrounding area benefit from dormer roof extensions, this form of development would therefore integrate suitably to the character and appearance of the general locality. The design and scale of the dormer extensions would appear subordinate and proportionate in relation to the roof slope to which they are proposed.

The design of the proposed dwellings would reflect the character and appearance of the general streetscene. The proposed variations between the two dwellings are welcomed as they add visual interest to the development.

Cavendish Road slopes downwards towards the north, with No.5 situated at a lower level than the host dwelling. The elevational plans show that the proposed dwellings respect the level change on Cavendish Road, following the gradient. No.3A is situated at a lower position than No.3 Cavendish Road. Details of the proposed levels would be provided by way of a condition.

In order to ensure the scheme relates sympathetically to the surrounding area, a condition is to be added to the permission requiring the applicant to submit details of the proposed materials to the Council.

Impact on the amenities of neighbouring occupiers

To the north, the site shares a common boundary with No.5 Cavendish Road. To the south, the application site shares a boundary with No.1 Cavendish Road and No.7 Jennings Way to the rear.

With regard to No.5 Cavendish Road, it is noted that this property benefits from a ground floor rear extension. The proposed plans indicate that the ground floor rear building line of No.3A would align with the rear building line of No.5. Whilst a level difference is noted, with No.5 situated at a lower level, taking into consideration the alignment of the rear building lines, no concerns have been raised regarding a loss of light, outlook or increased sense of overbearing.

A condition is to be added to ensure that side windows are obscure-glazed to ensure the amenity of the neighbouring occupiers are afforded sufficient levels of privacy.

The proposal would represent an uplift in maximum occupancy at the application site from 5 persons to 14 persons. Whilst it is accepted that there would be an increase in occupancy level and therefore likely some impact in terms of increased noise and disturbance, this would be negligible. Given the residential nature of Cavendish Road, coupled with the proposed dwelling type and maximum occupancy it is not considered that the development would adversely impact the amenity of the neighbouring occupiers. Furthermore, whilst the number of occupiers would increase, there would be an increase

of one household.

With regard to No.1 Cavendish Road, the existing plans indicate that due to the curve in the road, the rear building line of the host property extends rearward of No.1. At ground floor, the proposed dwelling (No.3) shows a similar relationship, although the bulk of the rear extension element is set off the boundary. It should also be noted that No.1 Cavendish Road is situated at a higher level than the proposed dwelling and therefore reducing the impact of the development in terms of loss of light, outlook and increased sense of overbearing.

As noted, the proposed dwelling benefits from a ground floor rear projection which gives the illusion of a rear extension. This projection is set off the shared boundary by 3.8m. Given this set back, coupled with the level difference on site, officers are satisfied the development would not detrimentally harm the amenity of the neighbouring occupiers.

In support of this application, the applicants have submitted a daylight and sunlight assessment. The assessment utilises the Vertical Sky Component (VSC) for daylight impacts and Annual and Winter Probable Sunlight Hours for sunlight impacts. The report indicates that the effect on VSC is within the 80% guidance value in all cases. Therefore, there will be no adverse impact on neighbouring residents in terms of daylight. In terms of sunlight, all of the assessed windows retain 25% of annual sunlight and 5% over the winter months, or, where this is not the case, 80% of their existing values. The neighbouring gardens retain over 80% of their existing value. The scheme is therefore compliant with BRE guidance in relation to sunlight impacts. The proposed habitable rooms will all receive daylight levels in excess of the requirements of BS8206:2.

Overall, for the reasons highlighted above, the proposed is considered to maintain the residential amenities of the neighbouring occupiers in accordance with Policy DM01 of the Development Management Policies DPD.

Impact on the amenities of 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.

All habitable rooms are considered to benefit from sufficient levels of light, outlook and privacy.

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) set out the minimum residential space standard requirements for new residential units. The required GIA for units is as follows:

4 bed, 7 person unit over 3 storeys requires a GIA of 121 sqm

The units are as follows:

- 3 = 4 bed, 7 person unit with a GIA of 178 sqm.
- 3a = 4 bed, 7 person unit with a GIA of 190 sqm.

Both dwellings meet and exceed the minimum GIA requirements.

Floor to Ceiling Height

3.6.3 of Policy D6 of the London Plan states that a minimum ceiling height of 2.5 metres is required for at least 75% of the GIA of the dwelling.

The proposed dwellings meet this requirement.

Amenity Space

Section 2.3 of the Sustainable Design and Construction SPD (2016) requires for houses a minimum of 85m² of outdoor amenity for a house of seven or more habitable rooms.

For houses with six habitable rooms, 70m² of amenity space is required.

Unit 3 has 7 habitable rooms and would benefit from 289m² of private amenity space.
Unit 3A has 6 habitable rooms and would benefit from 215m² of private amenity space.

Both dwellings meet and exceed the amenity space requirements.

Refuse and Recycling

The plans indicate that the refuse storage would be sited to the side of No.3 and to the rear of No.3A. The applicant has confirmed that the bins for 3A would be brought to the front of the property on collection days. In line with Barnet's Recycling and Waste Guidance Document 2021, both units are provided with 3 x 240l bins and 1 x 23l bin. The refuse and recycling provision is therefore considered acceptable in this instance.

Traffic and Parking

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

Policy DM17 sets out the parking requirements for new developments. In accordance with policy DM17, detached houses (4 or more bedrooms) require 1.5 -2 parking spaces.

Both dwellings would benefit from 2no. off-street car parking spaces on the front forecourts and would therefore satisfy the requirements of Policy DM17.

Barnet's Crossover Policy 2019 specifies that the minimum width for front gardens/forecourts should measure 2.4m to accommodate vehicles. The width of the front forecourt proposed for No.3 Cavendish Road, would measure 10.4m, the width of No.3A would measure 9.3m. Both front forecourts would meet and exceed the minimum required width to accommodate 2 vehicles.

2no. cycle parking spaces would be required for each dwelling. The plans indicate that the cycle storage is to be situated within the rear amenity space. Details of the cycle storage is to be secured by condition.

Ecological Considerations

The applicant has provided a Preliminary Roost Survey for Bats & General Ecological Assessment (27th February 2021). The report outlines that a full daylight inspection of the above property was carried out on the 27th February 2021. The purpose of the inspection was to establish if the building presents suitable bat roosting opportunities.

No evidence was seen during the building inspection to indicate bat usage. All soffits, fascia, roof tiles and lead flashing were uniformly tight to the walls offering little to no cavity entrances for bats to use as roosting spaces. Extensive inspections were carried out in the roof void with no evidence of bat guano, live bats or any other evidence of bat occupation such as moth/butterfly wings, urine staining or fur marks to potential crevices.

It was determined, based on the evidence found, that this building and associated single space garage have negligible potential for bat roosts due to the observed lack of crevice space.

No evidence of nesting birds was observed during the inspection. There were no concerns noted regarding other protected species at this site.

As such, the Council are satisfied that the development would not harm the retention, enhancement or creation of biodiversity at the application site in accordance with Policy DM16.

Trees

Barnet's Arboriculture Consultant has reviewed the submitted information. The Consultant notes that the proposal will require the removal of x 1 low value tree and partial removal of cypress hedge as shown within the submitted arboricultural report. The impact of these removals on visual tree amenity is very low and new tree planting and landscape will readily provide mitigation and enhancements.

The submitted ROAVR Environmental report ref:- 21_5837_03_10 section 9. Method Statement and supporting Tree Protection Plan must be a condition of any planning approval.

There are no significant arboricultural reasons to object to the scheme, however a hard and soft landscaping condition and a condition relating to a the tree protection and method statement to include on site monitoring of tree protection measures under:- ROAVR Environmental report ref:- 21_5837_03_10 section 9. Method Statement and supporting Tree Protection Plan, are required to obtain a more suitable development.

Accessibility and Sustainability

The application scheme is required by Policy D7 of the London Plan (2021) to meet Building Regulation requirement M4(2). A condition will be attached to ensure compliance with this policy.

In respect of carbon dioxide emission reduction, the scheme should be designed to achieve a 10% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy SI 2 of the London Plan (2021) and a condition will be attached to ensure compliance with this policy.

In terms of water consumption, a condition is to be 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 S1 5 of the London Plan (2021).

Subject to conditions, the proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan 2021.

5.4 Response to Public Consultation

- Overbearing

Covered in the main body of the report. Taking into consideration the scale of the dwellings, coupled with their siting in relation to neighbouring properties, it is not considered that the proposal would appear overbearing.

- Loss of privacy

Covered in the main body of the report. The siting and design of the fenestration would ensure a loss of privacy would not occur to neighbouring properties; it is not considered that the loss of privacy would differ to the established relationship of properties on the road

- Harm to character and appearance of streetscene

Covered in the main body of the report. The dwellings would relate suitably in the streetscene and therefore would not result in detrimental harm to character and appearance of streetscene.

- Excessive scale, height and massing

Covered in the main body of the report. The Council do not consider that the scale of the 2no. dwellings would be excessive and would relate sympathetically to the design and scale of the nearby properties. The height of the buildings would follow the gradient of the road and similar set-downs to other properties.

- Loss of light and outlook

Covered in the main body of the report. As noted, the daylight and sunlight assessment confirms the neighbouring properties would benefit from sufficient levels of daylight and sunlight. No concerns have been raised regarding outlook given the siting of the development in relation to neighbouring properties.

- Loss of light to rooflight window which looks towards No.3.

In support of this application, the applicant submitted a daylight and sunlight assessment. Within the lifetime of the application, an objector drew attention to the fact that the rooflight window which looks towards No.3 was not referred to in the originally submitted daylight and sunlight assessment. The daylight and sunlight assessment was updated and the rooflight is labelled as window 12 on page 8 of the revised document. Page 13 confirms that this window would retain 99.03% of the No Sky Line (NSL) - meeting the BRE guidance.

- Out of character development

Covered in the main body of the report. However, taking into consideration the design and scale of the dwellings it is not considered that the proposal would appear out of character in the context of the local area.

- Concerns over impact on neighbouring foundations
This is not a material planning consideration.

- Impact on building line
Covered in the main body of the report. The staggered front building lines of the development are considered acceptable as they would follow the natural curve within this part of Cavendish Road. The siting of the dwellings would appear sympathetic and would not harm the character and appearance of the streetscene.

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

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.



OS Map