

Location 21 Farm Avenue London NW2 2BJ

Reference: 21/0027/FUL Received: 4th January 2021
Accepted: 5th January 2021

Ward: Childs Hill Expiry 2nd March 2021

Case Officer: Syndsey Ballet

Applicant: Mr And Mrs A Butt

Proposal: Erection of a new two storey dwelling with rooms in the roofspace following demolition of existing dwelling and garage. Associate cycle store, refuse/recycling and provision of off 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:

Existing shadow assessment (un-numbered)
Proposed schedule of external materials and finishes (un-numbered)
Existing site layout plan 59-P-1
Existing floor plans 59-P-2
Existing elevations 59-P-3
Preliminary Ecological Assessment ref ASW/AB_HA/062/24/2020) by ASW Ecology Ltd. dated December 2020
Bat emergence survey ref ASW/AB/010/25/2021 by ASW Ecology Ltd. dated May 2021
Proposed site layout and location plan 59-P-4E
Proposed floor plans 59-P-5C

Proposed elevations 59-P-6B
Existing and proposed streetscene 59-P-7D
Existing and proposed sections 59-P-8B
Proposed accessibility 59-P-9B
Proposed reconciliation plan 59-P-10
Proposed elevation of front wall and gate 59-P-11

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

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

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

- 3 The development hereby approved shall be carried out using the materials and finishes to be used for the external surfaces of the building and hard surfaced areas submitted with this application.

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 Policy D4 of the London Plan 2021.

- 4 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 D4, D5, D8 and G7 of the London Plan 2021.

- 5 Before the building hereby permitted is first occupied the proposed window(s) including dormer window(s) in the flank elevation facing nos 19 and 23 Farm Avenue 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).

- 6 The flat roofed parts of the building hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, D, E, or F of Part 1 of Schedule 2 of that Order shall be carried out within the area of the development hereby approved.

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

- 8 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 9 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 wholesome 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. Any use of grey water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

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), Policy SI 5 of the London Plan 2021 and Barnet's Sustainable Design and Construction SPD (2016).

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

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

- 11 Before the development is first occupied, the recommendations for enhancements detailed within Section 5.3.1 of the submitted Bat Emergence Survey by ASW Ecology Ltd dated May 2021 shall be implemented in full and retained as such thereafter.

Reason: To ensure the proposed development has an acceptable impact on protected species and makes adequate provision for biodiversity enhancements, in accordance with local planning policy DM01. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy G7 of the London Plan 2021.

- 12 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 policies

5.3 and 7.14.

- 13 a) The scheme of hard and soft landscaping as shown on the plan Site Layout and Location Proposals dwg no 59-P-4E. 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.

b) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

- 14 A lighting strategy must be designed and implemented to minimise impacts on bats and their insect food. All exterior lighting should follow the guidance of the Bat Conservation Trust. Current (June 2016).

Reason: To ensure enhancement of bat habitats in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016), para. 180 of the revised NPPF 2021 and the Natural Environment and Rural Communities (NERC) Act 2006

- 15 Prior to occupation of the development, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

Reason: 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.

- 16 No site works or works on this development 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 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.

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 polices 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 17 Prior to occupation of the development, existing parking spaces and the access to the parking area from public highway shall be retained in accordance with the submitted planning application. Thereafter, the parking spaces shall be used only as agreed and not 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 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.

- 18 a) The site shall not be brought into use or first occupied until the means of enclosure, including boundary treatments, have been installed in accordance with the plans hereby approved.
- 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 1no 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).

- 19 a) The development shall not be occupied until the biodiversity enhancements set out in the Ecological Assessment have been implemented.
- b) The site clearance and any mitigation measures shall be implemented in full in accordance with details approved under this condition.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012); the Sustainable Design and Construction SPD (adopted October 2016); and, Policy G6 of the London Plan 2021.

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. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

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

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

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

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community

Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Please visit

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 3 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

- 4 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.

- 5 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.

- 6 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.

- 7 The applicant is advised that proposed gates should not open outwards to onto the public footway/highway as this could cause health and safety issues for pedestrians/road users.
- 8 If at any time following the start of demolition works, a bat roost or evidence of a bat roost is observed, all work would need to cease until a suitably licensed bat ecologist has been consulted and advice sought on how best to proceed under current laws and legislation. Where a bat roost is identified, destruction of the roost would usually need to be covered by a European Protected Species (EPS) Licence obtained from Natural England. The planning authority would need to have sight of any mitigation strategy developed for a licence application in order to address their obligations under The Habitats and Species Conservation Regulations 2018 (as amended). If demolition is delayed for more than one-year after the date of the bat survey (May 2021), repeat bat surveys should be undertaken.
- 9 The applicant shall carry out a "before" and "after" condition survey of the agreed route to be utilised by all construction traffic. The "before" survey shall be submitted to and approved in writing by Local Highway Authority prior to the commencement of the development. The "after" survey shall be completed three months before the completion of the development and thereafter submitted to and approved in writing by the Local Highway Authority. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey shall be implemented as approved following completion of the development.

OFFICER'S ASSESSMENT

1. Site Description

The application site serves a two-storey detached dwelling on the east side of Farm Avenue in the electoral ward of Childs Hill. The property is characterised by a catslide roof form and has been previously extended under ref F/04099/11 and benefits from a part single part two storey front, side and rear extension. The front of the property is bound by a 1.50metre high hedgerow. There is capacity to park on site for up to 2 domestic cars, facilitated by an existing drop curb which intercepts the public footway. The property is not located within a conservation area nor is it locally/statutorily listed.

2. Site History

Ref: F/04099/11

Address: 21 Farm Avenue, London, NW2 2BJ

Decision: Approved subject to conditions

Description: single storey rear extension following removal of existing rear conservatory. First floor side extension with associated alterations to roof above garage including extension to roof slope and dormer above garage. Conservation of garage in a habitable room including single storey front extension. New first floor rear bay window to replace existing and alterations to fenestration at rear elevation. Extension to roof including rear dormer with Juliette balcony, 2no rooflights at side (north) elevation and removal of chimney to facilitate a loft conversion.

3. Proposal

Erection of a new two storey dwelling with rooms in the roofspace following demolition of existing dwelling and garage. Associate cycle store, refuse/recycling and provision of off-street parking

NB: Following officer request, the following changes have been made:

- Integrate a hipped roof form on the projecting first floor rear bay
- Remove the rear dormer balcony
- Remove the front dormer
- Integrate a hipped roof on the side dormer and provide more visual containment by pushing further away from the roofslope. Solar panel relocated.

4. Public Consultation

Consultation letters were sent to 21 neighbouring properties.

12 objections were received. Following receipt of amended plans, neighbours were re-consulted with one additional response being received.

Objections on the following grounds:

- An uncharacteristic, unneighbourly and disproportionate form of development resulting in the overdevelopment of the site
- Loss of light and outlook
- Excessive noise and environmental pollution as a result of demolition works
- Parking pressures
- Loss of trees

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework (2021)

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

The revised National Planning Policy Framework (NPPF) was published on 20th July 2021. 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 Draft Local Plan -Reg 19- Publication was approved for consultation on 16th June 2021. The Reg 19 document sets out the Council's draft planning policy framework together with draft development proposals for 65 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 site proposals in the draft Local Plan.

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, CS9, CS13, CS14
- Relevant Development Management Policies: DM01, DM02 DM16, 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)

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

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

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The impact on the appearance and character of the area
- The impact on living conditions of future occupiers
- The impact on the amenities of neighbouring occupiers
- Ecology Matters
- Arboricultural Matters and Trees
- Parking and highways
- Refuse and recycling storage.

5.3 Assessment of proposals

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 and D3 (both of the London Plan 2021).

Policy D1 (3.1.7) of the London Plan 2021 states that "As change is a fundamental characteristic of London, respecting character and accommodating change should not be seen as mutually exclusive. Understanding of the character of a place should not seek to preserve things in a static way but should ensure an appropriate balance is struck between existing fabric and any proposed change. Opportunities for change and transformation, through new building forms and typologies, should be informed by an understanding of a place's distinctive character, recognising that not all elements of a place are special and valued."

Policy D3 of the London Plan 2021 states that "all development must (d1) enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions. (d 11) further recommends to respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character."

Para 14.21 of the Council Residential Design Guidance 2016 states, "The depth of a single storey rear extension, normally considered acceptable for detached property is 4 metres".

Para 14.23 of the Council Residential Design Guidance 2016 states, "Two storey rear

extensions which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable. This is because they can be too bulky and dominant and have a detrimental effect on the amenities of neighbours". Para 14.25, "On widely spaced semi-detached or detached houses, there may be more scope for larger rear extensions. However, the principles of good design as set out in Table 3 of this SPD still apply. Para 14.26, "Flat roofs should not normally be used as balconies as loss of privacy to immediate neighbours almost always results. This applies to side as well as rear extensions. Flat roofs on two storey rear extensions are not normally acceptable because they do not relate sympathetically to the house."

Para 14.33 of the Council Residential Design Guidance 2016 states, "Dormer roof extensions should normally be subordinate features on the roof and should not occupy more than half the width or half the depth of the roof slope. Dormers which wrap around the hips will not normally be considered acceptable".

Para 14.36 of the Council Residential Design Guidance 2016 states, "Roof lights should be carefully positioned in order not to impact detrimentally or disfigure the appearance of a building, particularly where they are not a characteristic feature in the street. On front roof slopes roof lights should be of the conservation type i.e., fitting flush with the roof slope and they should not dominate the roof in terms of their number."

Para 14.53 of the Council Residential Design Guidance 2016 states, "It is natural for owners to want to improve and extend their properties, but the extensions need to be carefully designed. A properly designed porch can have a positive effect on the area. In some cases, depending upon the location, size, type either larger or smaller porches may be appropriate. The porch roof should reflect the roof style of the existing house. The material, shape and style of existing doors and windows should be matched to create an overall balance to the design. Where a porch is on the front elevation, special care should be taken that it does not spoil the appearance of the property and street as well as the outlook of neighbouring houses. Adding undue canopies can be unsightly as it is likely to protrude too far and dominate the front of the house. As houses differ in size and style, sometimes it is not possible to add a porch to a house."

Farm Avenue is composed of both detached and two storey detached properties of varied character and appearance. However, there are some commonalities across the established form of development on Farm Avenue such as a consistent front building line, hipped roof form and ridge level. Properties are well sized with good sized front gardens capable of accommodating off-street domestic car parking capacity with forecourt areas and generous rear gardens.

The application property adjoins onto the common boundary with no 19 to the north west and is set in approx 1.139 metres from the common boundary with no 23 to the south east. The property is characterised by a catslide roof form and has been previously extended under ref F/04099/11 and benefits from a part single part two storey front, side and rear extension. The application property measures approx 15.3 metres width x 9.60 metres finished ridge height x 16.0 metres depth with an overall site footprint of 190sq.m. The proposed rebuild would be set in approx 1.0 metres from the common boundary with no 19 to the north west and approx 1.05 metres from the common boundary with no 23 to the south east. As such, it would measure approx 13.40 metres width x 17.40 metres depth, therefore result in a reduced width by 1.90 metres and greater depth at ground floor level by approx 1.50 metres and approx 2.60 metres at first floor level. The proposed rebuild would result in a size and form which is more akin to development found on Farm Avenue, whilst the loss of the catslide roof would be replaced with a more traditional hipped roof

form. The extensions involved would result in a crown roof within which rooflights would be inserted, albeit obscured from view of the public realm. Overall, the development would result in a rear garden depth of 20 metres and approx 330sq.m therefore would not appear cramped within the site.

The delegated report for planning ref F/04099/11 states that, "the ground floor will in part replace an existing conservatory, the proposal will be 4m deep from the original rear wall of the property which is the same depth as the existing conservatory." As such, it is understood that the cumulative proposed rear depth at ground floor level from the original rear wall would measure approx 5.5 metres. Whilst this is not in compliance with council guidance, due to the site circumstances at adjacent nos 19 and 23 involving existing rear projections and greater distances from adjacent common boundaries, there would be lesser impact on the amenity of the neighbouring residential occupiers.

The proposed rebuild would result in a greater space between the adjacent common boundaries, it would maintain the finished ridge level, therefore consistent with adjacent nos 19 and 23 and involve a hipped roof form with crown. At the front, a two-storey projecting front bay window with hipped roof is proposed (nearest to the north west front corner of the property) as well as a marginally smaller first-floor projecting bay window with hipped roof (nearest to the south east front corner of the property), between which a front porch with flat roof form would be centrally located and project approx 2.0 metres depth x 3.1 metres width x 3.50 metres finished height. The front bay features preserve the established character of development on Farm Avenue. Whilst the front porch, although exceeds the limitations of permitted development, does not project significantly far forward of the front elevation, nor does it undermine parking provision within the front forecourt. The scale, size and height of the proposed front porch is considered proportionate and acceptable in respect of the resulting impact on the visual amenities of the wider street scene and character of the host property.

A single rear dormer with flat roof form centrally located within the roofslope would be set down approx 0.90 metres from the main roof ridge level, set up approx 1.0 metres from the eaves level and in excess of 1.0 metre from the roof hips. It would measure approx 2.30 metres depth x 3.30 metres width x 2.0 metres height. A bespoke timber screen with white gloss paint set within stone surround within which a double height flank opening would be inserted, would be set down approx 1.70 metres from the roof ridge level, set up approx 0.80 metres from the eaves level and in excess of 1.0 metre from the roof hips. It would measure approx 3.0 metres depth x 3.70 metres width x 2.30 metres height. A single side dormer window with hipped roof form on the south east flank roofslope centrally located within the roofslope between which semi-integrated solar panels would be located, would be set down approx 0.40 metres from the roof ridge level, set up approx 1.70 metres from the roof eaves and in excess of 1.0 metre from the roof hips. It would measure approx 2.70 metres width x 2.80 metres depth x 2.60 metres height. The proposed roof additions would appear visually contained within the respective roofslopes and provide a subordinate and proportionate addition to roof in respect of mass and bulk.

A visual sample of external surface materials had been forwarded and confirms the proposed use of the following materials : red clay roof tiles, white upvc fascia and soffits with back aluminium seamless guttering, soft stock red brick, red coloured Albury handing tiles, white timber finish casement style windows, bath stone lintols, cills and sling courses, sandstone patio, trowelled finish addaset resin bounded gravel and driveway path and patio edges granite setts. The above materials and finishes are considered to result in a visually sympathetic and appropriate form of development which compliments the established pattern of development on Farm Avenue.

As such, the proposed scheme is therefore considered acceptable on the grounds of character and appearance.

Impact on living conditions of future occupiers

Policy D6 (a) of the London Plan 2021 states that housing development should be of high-quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures. D6 (f) Housing developments are required to meet the minimum standards which apply to all tenures and all residential accommodation that is self-contained. Dwellings must provide at least the minimum gross internal floor area and built-in storage area. When designing homes for more than eight bedspaces, applicants should allow approximately 10 sq.m. per extra bedspace

The proposed rebuild would result in the provision of 6 double bedrooms capable of accommodating up to 12 persons across 3 floors with a GIA of approx 456 sq.m against a minimum requirement of approx 178sq.m. This would result in a GIA of more than twice the minimum space standard required and therefore would provide an acceptable level of accommodation for the intended occupancy.

Table 2.2: Internal layout and design requirements of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide.
- Double/twin bedroom: minimum area should be 11.5 m² and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All rooms would meet the above standards.

The nationally described space standard sets a minimum ceiling height of 2.30m for at least 75% of the gross internal area of the dwelling per unit.

The dwelling would exceed the above room standard.

Plans show built in storage provision of approx 20sq.m, which exceeds the minimum requirement.

Impact on the amenities of neighbours

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.

Policy DM01 in Council's Development Management Policies DPD stipulates that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The proposed rebuild at ground floor level would project approx 3.80 metres further rear of the rear elevation at adjacent no 19 (sited to the north west) and approximately align at first floor level. The two-storey projecting rear bay window on the south-eastern rear corner of the property would be set away approx 8.60 metres from the common boundary with no 19 and only project approx 1.40 metres. The exposed flank elevation at ground floor level as seen from no 19 would be less than 4.0 metres depth thus acceptably placed within the limitations of permitted development. The proposed rebuild at ground level would project approx 1.0 metre further rear of the rear elevation at adjacent no 23 (sited to the south

east) and be set approx 1.90 further forward at first floor level.

The proposed rear dormer located within the roofslope would look out onto the rear garden similar to first floor window openings and therefore would have an oblique relationship with adjacent neighbouring rear garden amenities.

Given the above site circumstances, no undue impact is therefore likely in upon the residential amenities of nos 19 and 23 Farm Avenue in regard to loss of light and outlook.

A condition has been attached to ensure that flank openings are obscurely glazed to ensure no consequential loss of privacy, particularly to adjacent nos 19 and 23 Farm Avenue.

Tennis courts are located to the rear of the site at a distance of 20+ metres. No undue impacts upon residential amenity are likely in this case.

Arboricultural Matters and Trees

Policy G7 of the London Plan 2021 states that "Development proposals should ensure that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or another appropriate valuation system. The planting of additional trees should generally be included in new developments - particularly large-canopied species which provide a wider range of benefits because of the larger surface area of their canopy"

The submitted GHA Trees Tree protection plan dated December 2020 (see attached) and the Arboricultural and Planning Integration Report: 21 Farm Avenue, London, NW2 2BJ, 30th December 2020 Ref: GHA/DS/122360:20 by GHA trees arboricultural consultancy provide enough information to assess the application.

There are no TPOs and the property is located outside a conservation area.

The proposal requires the removal of G3, T4, T5, T6 and T11 of these trees T11 a Cat B tree is the most significant, a eucalyptus on the left-hand side rear boundary. This tree has been reduced in height due to the proximity of nearby houses and has no meaningful public amenity. Therefore, would not qualify for special protection.

The loss of these trees at the front and rear of the garden can be offset in the medium term with replacement tree planting.

Following additional Tree Officer recommendations, amended site layout and location plan 59-BR-4E demonstrates the following:

1. Front Boundary replacement hedge changed to Privet as this species is very much the character of London front boundary hedges
2. Gate moved over 500mm to the right to allow space for new silver birch tree to be planted and grow.
3. Privet hedges retained on right- and left-hand flank boundaries
4. Note added to drive specification to stipulate that the finish is 'porous' to allow irrigation of hedges and trees and reduce the risk of surface water flooding.

A condition has been attached to ensure that hard and soft landscaping is implemented as shown on the plan Site Layout and Location Proposals dwg no 59-P-4E.

The Tree Officer raises no further objection.

Ecology Matters

Many individual wildlife species receive statutory protection under a range of legislative provisions. In Barnet, the main specially protected species that are likely to be encountered are bats, great crested newts, grass snakes, the common lizard and slow worms.

Para. 180 of the NPPF 2021 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The Government Circular: Biodiversity and Geological Conservation Statutory obligations and their impact within the planning system, August 2005 states that, "The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat".

Legislation dictates that any structures or place which bats use for shelter or protection are protected from damage or destruction whether occupied or not. This legislation has been incorporated into planning policies. This means that planning authorities have a legal obligation to consider whether bats are likely to be affected by a proposed development under both National Planning Policy Framework and Circular 06/2005: Biodiversity and geological conservation, Statutory obligations and their impact within the planning system and as such is a material consideration.

"Making planning decisions without due consideration of priority species is contrary to the Natural Environment and Rural Communities (NERC) Act 2006 which applies to all public organisations, including local authorities. s.40 of the Act states "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." Under s.41 of the Act, bats are listed by Defra as a priority species for the conservation of biodiversity.

This requirement has important implications for bat surveys as it means that, where there is a reasonable likelihood of bats being present and being affected by the development, surveys must be carried out before planning permission is considered.

A survey should be undertaken in the first instance to determine the potential for bats on site and/or the presence of bats, after which the planning authority should request that the developers commission an appropriate survey at the correct season within May to September (with two Surveys for a feature given moderate assignment) as per BCT 2016 best practice.

A preliminary bat roost assessment (PRELIMINARY ECOLOGICAL ASSESSMENT 21 FARM AVENUE, LONDON NW2 2BJ Commissioned by: Mr and Mrs A. Butt Report Number: ASW/AB_HA/062/24/2020) December 2020 has been submitted and notes the house has moderate potential for roosting bats. A Bat Emergence survey. ref

ASW/AB/010/25/2021 dated May 2021 was later forwarded and determined that 'No bat roost was found to be present during any of the bat survey visits' Therefore, further bat surveys on the buildings are not required.

The Ecology Officer has raised no further concerns, however recommended conditions to ensure biodiversity enhancement options.

Parking

The site has a PTAL of 2, indicating a poor level of accessibility by public transport. The proposal to provide a detached dwellinghouse should provide a maximum of 2 to 1.5 spaces, in line with the standards in Policy DM17. The proposed provision of 2no spaces, given the poor accessibility of the site, is considered to be acceptable.

The proposals provide cycle parking within an internal utility. This is considered to be acceptable.

Overall, the proposals are not considered to result in an unacceptable impact on the surrounding highways network, subject to the proposed conditions.

Accessibility and Sustainability

The application scheme is required to meet Building Regulation requirement M4(2), in accordance with the London Plan. A condition is attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, a condition is attached to ensure an appropriate level of reduction over Part L of the 2013 building regulations is achieved in accordance with the requirements of the London Plan.

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

5.4 Response to Public Consultation

- An uncharacteristic, unneighbourly and disproportionate form of development resulting in the overdevelopment of the site
- Loss of light and outlook
- Parking pressures
- Loss of trees

The above considerations have been addressed in the main body of the report and satisfied by way of conditions.

- Excessive noise and environmental pollution as a result of demolition works
- The Council Environmental Health Officer has been consulted and has raised no comment regarding air pollution, noise or land contamination. However, the Officer has recommended a condition and informative relating to a construction method statement.

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

This application is recommended for APPROVAL SUBJECT TO CONDITIONS.

