

**Location** Dolphins Totteridge Green London N20 8PE

**Reference:** 21/0625/FUL Received: 5th February 2021  
Accepted: 8th February 2021

Ward: Totteridge Expiry 5th April 2021

**Case Officer:** Mansoor Cohen

Applicant: Mr & Mrs Alan Cleary

Proposal: Demolition of the existing dwelling and erection of a new two storey dwelling with rooms in the roofspace and double garage

### **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:

Drawing no. 1 of 1 - Topographical survey  
Drawing no. 1 of 2 - Existing elevations  
2022-P-001 - Location Plan as existing  
2022-P-201 - Site plan as existing  
21-006\_C01 - Engineering layout  
21-006\_SKC01 - Drained Areas Analysis Sketch  
2022-P-401 B - Proposed Elevations  
2022-P-206 B - Proposed Layouts  
2022-P-205 E - Site plan as proposed with Section AA  
2022-P-202 D - Site plan showing proposed house with approved house hatched  
2022-P-203 - Overlay of proposed and existing footprints

2022-P-402 - Elevation comparison with approved dwelling  
Arbtech 'Preliminary Ecological Appraisal Survey', dated 30/02/2021  
Arbtech 'Bat Emergence and re-entrance Surveys', dated 03/02/2021  
Arbtech 'Arboricultural Method Statement', dated 7 May 2021  
Heritage Statement, dated January 2021  
Design & Access Statement, dated 27 January 2021  
Letter from Bell Cornwell, dated 31 March 2021  
Arbtech AIA 02 Rev A - Arboricultural Impact Assessment  
Arbtech TPP 02 Con Rev A - Tree Protection Plan - Construction Phase  
Arbtech TPP 02 Demo Rev A - Tree Protection Plan - Demolition Phase

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

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

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

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and 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 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
  - ii. site preparation and construction stages of the development;
  - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
  - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
  - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
  - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
  - vii. noise mitigation measures for all plant and processors;
  - viii. details of contractors compound and car parking arrangements;
  - ix. details of interim car parking management arrangements for the duration of construction;
  - x. details of a community liaison contact for the duration of all works associated with the development.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of the development.

- b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SI2, SI7, SI8, SI9, SI1, D14 of the London Plan 2021.

- 6 Prior to occupation of the development, 2no parking spaces and corresponding means of access from public highway shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles 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.

- 7 a) Before the development hereby permitted is first occupied, details of cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards - including the type of stands, gaps between stands, location of cycle parking and type of store proposed - shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure 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, Policy DM17 of Development Management Policies (Adopted) September 2012 and Policy T5 of the London Plan 2021.

- 8 The roof of the ground floor rear projection 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).

- 9 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

- 10 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 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).

11 a) A scheme of hard and soft landscaping across the whole site, 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 Policies G1 and G7 of the London Plan 2021.

12 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 Dolphins, Totteridge Green, N20 8PE, 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).

- 13 Before the building hereby permitted is first occupied the proposed windows above ground floor level in the side elevation(s) facing 'The Croft' and 'Highfield' 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).

- 14 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement 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 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 SI 2 of the London Plan 2021.

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

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy SI 5 of the London Plan 2021

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

- 17 a) Notwithstanding the approved documents, no development or site works shall take place on site until details of a temporary construction route has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, but not be limited to, the following:
- i. Proposed temporary construction route and temporary access that must retain established trees and vegetation wherever possible.
  - ii. Vehicle tracking to prove access is possible
  - iii. Adequate ground protection to ensure that construction vehicles do not damage the soil structure below the route.
  - iv. Arboricultural impact and method statement in accordance with BS5837:2012 Trees in relation to design, demolition and construction-recommendations
  - v. Appropriate level of mitigation/replacement planting for any trees removed to facilitate the access route.
  - vi. Formal written consent from the landowner of the wooded verge
- b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policies G1 and G7 of the London Plan.

- 18 a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to 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 details approved under this condition.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016).

- 19 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.
- b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected

around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. 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 G1 and G7 of the London Plan.

- 20 Prior to the commencement of development (other than for demolition works) details of a lighting scheme incorporating measures for the protection of roosting, hibernating and breeding bats shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details.

Reason: To ensure that the development represents high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policy G6 of the London Plan.

- 21 No site works or development shall take place until the local planning authority has been provided with a European Protected Species Mitigation Licence or Low Impact Licence (if eligible) issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead. The licence shall be accompanied by a Method Statement and Works Schedule which shall specify:

1. Detailed design(s) and/or working method(s) necessary to meet the recommendations and mitigation measures detailed in the 'Bat Emergence and Re-entrance Surveys' document by Arbtech, dated 03.02.2021;
2. Extent and location of proposed works shown on appropriate scale maps and plans;
3. Timetable for implementation;
4. Persons responsible for implementing the works, including the role and responsibilities and operations to be overseen by the on-site ecologist; and
5. Timing and duration of monitoring post-construction.

The works shall be carried out strictly in accordance with the approved details and to the extent applicable shall be retained in that manner thereafter.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).'

- 22 a) The proposed ecological mitigation and enhancements as recommended within the approved 'Bat Emergence and Re-entrance Surveys' document by Arbtech,



dated 03.02.2021 shall be carried out in full accordance with the details recommended in this document.

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) and the Sustainable Design and Construction SPD (adopted April 2016).

### **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](http://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](mailto: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](http://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](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](http://legislation.gov.uk)

Please visit

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

- 3 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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 4 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via [crossovers@barnet.gov.uk](mailto:crossovers@barnet.gov.uk).
- 5 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."

## **OFFICER'S ASSESSMENT**

## 1. Site Description

The application site is located on Totteridge Green, which is located within Totteridge Conservation area. The Green comprises formal areas of open grassland to the north, scattered trees and several small pockets of shrubby woodland to the south. The area of the application site is characterised by established woodland with properties well separated, set back from the road and set within substantial grounds.

There are many architecturally important properties in the area and a number of properties are listed. The application site itself currently contains a modern house built in the late 1960's and is of little architectural merit. The current property has a floor area of 197m<sup>2</sup> and is arranged over three levels including a basement.

The site has a frontage of 50m and a depth of 115m, sloping away from the property and the plot is generally open, however the boundaries and closer to the property are defined by denser established trees and shrubs many with preservation orders.

## 2. Relevant Site History

Reference: B/00276/14

Address: Dolphins, Totteridge Green, London, N20 8PE

Decision: Approved

Decision Date: 13 March 2014

Description: Submission of details for condition 3 (levels), 4 (Full building details), 6 (Materials), 8 (Trees Protection Method), 9 (Landscaping - details), 10 (Landscape schedule), 11 (Construction Method Statement) and 12 (Insulation to Plant and Machinery) pursuant to planning permission B/00290/11 dated 16/03/11.

Reference: B/00440/11

Address: Dolphins, Totteridge Green, London, N20 8PE

Decision: Approved subject to conditions

Decision Date: 16 March 2011

Description: Extension to the time limit for implementing Appeal Decision APP/N5090/E/07/2058187/WF dated 25/03/2008 (Conservation Area Consent N10150P/07) for 'Demolition of existing house'.

Reference: B/00290/11

Address: Dolphins, Totteridge Green, London, N20 8PE

Decision: Approved subject to conditions

Decision Date: 16 March 2011

Description: Extension to the time limit for implementing Appeal Decision APP/N5090/A/07/2058188/WF dated 25/03/2008 (planning permission N10150Q/07) for 'Demolition of existing dwelling and erection of a part single, part two-storey dwelling house, with rooms in roofspace and basement, and attached double garage'.

Reference: N10150P/07

Address: Dolphins, Totteridge Green, London, N20 8PE

Decision: Refused, Allowed on appeal Ref: APP/N5090/E/07/2058187/WF, dated 25/03/2008

Decision Date: 24 April 2007

Description: Demolition of existing house.

Reference: N10150Q/07

Address: Dolphins, Totteridge Green, London, N20 8PE

Decision: Refused, Allowed on appeal Ref: APP/N5090/A/07/2058188/WF, dated 25/03/2008

Decision Date: 24 April 2007

Description: Demolition of existing dwelling and erection of a part single, part two-storey dwelling house (with rooms in roofspace and basement) and attached double garage.

Reference: N10150F/05

Address: Dolphins, Totteridge Green, London, N20 8PE

Decision: Approved subject to conditions

Decision Date: 8 May 2006

Description: Demolition of existing dwelling and erection of a part single, part two-storey dwelling house (with rooms in roofspace and basement) and attached double garage.

Reference: N10150G/05

Address: Dolphins, Totteridge Green, London, N20 8PE

Decision: Approved subject to conditions

Decision Date: 24 July 2006

Description: Demolition of existing house.

In addition, there are numerous applications in relation to tree works/removals. A full account of these are available to view on the Barnet website.

### **3. Proposal**

The application proposes the demolition of the existing dwelling and erection of a new two storey dwelling with rooms in the roofspace and double garage.

The proposed new dwelling would cover a footprint of approximately 419sqm equating to a maximum depth of 21.8m and a width of 27m. The dwelling would be fronted with two pitched roof gable ends that would sit flush with the front building line and an integral double garage. The property would be centrally located within the plot being set off between 4.7m to 7.5m due to the splay of the site from the northern boundary and 6.5m from the southern boundary.

The main bulk of the dwelling would be a two storey level with rooms in the roof space with an additional northern single storey wing housing the garage and enclosed swimming pool.

For clarity, the proposal does not incorporate a basement level.

The design of the dwelling has been taken from British architect Norman Shaw and would be of a Tudorbethan half timbered design finished in red-multi brickwork and Portland stone dressing.

The proposed development has been subject to amendments during the course of the application, the pertinent contents of which are assessed below.

### **4. Public Consultation**

A press and site notice were placed on 16th and 18th February 2021 respectively. Consultation letters were sent to 33 neighbouring properties.

A total of 32 responses were received consisting of 2 neutral comments, 13 letters of support and 17 letters of objections. An overview of the comments received are provided below:

#### Objections:

-Rt. Hon. Theresa Villiers MP: Concern over size and nearby heritage assets. Concerns over loss of trees and hedges. No landscaping scheme provided. Proposal will damage uniqueness and beauty of this part of Totteridge.

-Chairman of Totteridge Millhillians Cricket Club (TMCC): The proposed development would look out of place and would be the start of a decline into characterless houses.

- Giles Quarre Architects:

- no objection in principle to the redevelopment of the existing house.
- current proposals are inappropriate because they cause harm to the setting of the adjoining

listed building and also to the character and appearance of the Conservation Area.

- If a new bespoke scheme was brought forward that did not cause the harm described in this report, then the owners of The Croft would not object.

However, the current off-the-shelf design takes insufficient cognisance of the importance of both those significant heritage assets and because the proposals for the new house are not "neutral", as claimed, but actually cause "harm", they should be refused.

-DWD:

- Pastiche design detracts from the quality of original buildings within the local area and lacks rationale for design and material use.

- application does not provide sufficient justification for the loss of trees and hedges, and insufficient detail has been provided on the proposed replacement soft landscaping and trees as mitigation

- lack of adherence to validation requirements, further supporting information is required.

- no submission of an archaeological report as required by the NPPF.

-Out of character, in particular given its juxtaposition to The Croft, a statutory listed building of significant importance.

-References to previous unauthorised tree felling

-Proposal does nothing to preserve the charm, character and quality of the area.

- the development would not be at all consistent with the current area; in particular the conservation aspects of it.

- concern about the impact of the development on the heritage trees - there will, it seems be damage to trees and hedges

- concerns over site maintenance during construction

- aesthetics of the building would not be consistent with the area

- proposal should be considered with great care and due diligence to heritage assets and its surroundings

- The tree report proposes to remove 2 oak trees, an apple tree and a large section of hedgerow. There is no proposal to replace the trees or hedging along the northern boundary.

- No photographic evidence or visuals of the proposed new dwelling to make an informed judgement

- It is not clear what materials are proposed

- Appears to be "off the shelf" development and would feel very out of place on Totteridge Green erode the special character
- Oversized, disproportionate and double the existing dwelling,
- The Statement does not acknowledge that the Grade II Listed Croft is immediately to the north of the Site.
- Council has a duty and privilege to preserve and enhance this area
- no evidence that the lapsed permissions are still extant and therefore a fallback position does not exist

In support:

- Octagon specialise in building one-off properties and a track record of building quality homes, many of which are award-winning
- influence taken from nearby properties such as The Croft and Green Oaks.
- Materials to be used will look aged and in keeping avoiding the new build look
- will protect trees and replace any lost including hedges
- environmentally sustainable over and above the existing dwelling
- existing dwelling is an eyesore
- will enhance the location and area built to a high standard and specification
- no subterranean basement which was part of previous approval
- proposal should always be considered within the context of the current property and not unbound or based on an ideal building
- development purposely aims to be consistent with the local character and is a net gain for the area given the current dwelling.
- None of these three trees can be older than a few years based on their sizing and their lack of presence in previous planning documents (see N10150K/06 - a 2006 survey). If anything the trees being removed are may be negatively impacting the larger, mature trees by growing over the same ground. It is clear there are no trees being removed that will have a net negative impact on the surrounding environment.
- reports of trees being removed (questionably) by a previous owner should be considered irrelevant for this planning.
- the proposed dwelling is far smaller than the previous approval and smaller than some neighbouring properties.
- complaint about being built closer is misrepresentative
- Council should stick to an evidence based decision
- proposal makes a positive contribution to the area, and is an improvement over the existing dwelling.

Neutral:

-Totteridge Residents' Association:

It is thought that the footprint area, volume and height of the proposed dwelling should not exceed that which was allowed in Appeals APP/N05090/E/07/2058187/WF and APP/N5090/A/07/2058188/WF (25/3/2008) in respect of applications N10150P/07 and N10150Q/07 for this property.

-Development should reflect the beautiful natural habitat of Totteridge Green.

Internal /Other Consultations:

Heritage team - Following discussions, minor design improvements with overall no objection

Highways - No objections.

Arboricultural - With minor adjustments to the scheme there is considerable scope to reduce the impact on protected trees growing around the site. Construction access traffic will place a very high risk of harm to the TPO oak tree at the main entrance. Subject to addressing these impacts, no objection.

Ecology - no objection subject to a Natural England Bat Mitigation Licence and conditions.

## **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 updated on 20 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. 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, DM06, DM16, DM17.

#### Barnet's Draft Local Plan (Reg 19) 2021

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.

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016).

Sustainable Design and Construction SPD (adopted October 2016)

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

Totteridge Conservation Area Character Appraisal Statement (2008)

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of the proposed development;
- Impact on the Character and Appearance of the Conservation Area, surrounding area and heritage assets;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether satisfactory living standards would be provided for future occupiers;
- Whether harm would be caused to highway safety.
- Highways and parking;
- Impact on TPO trees;

## **5.3 Assessment of proposals**

### Principle of the proposed development

As is apparent within the planning history and appeal decision, the principle of the demolition of the existing dwelling and replacement with a larger footprint is acceptable. The existing building is a modern built building (1960's) and lacks any architectural merit or features that would be worthy of protection. The plot size is substantial both in depth and width and therefore subject to a suitable replacement dwelling and the below considerations there is no objection to the demolition of the existing dwelling and provision of a new dwelling.

### Impact on the Character and Appearance of the Conservation Area, surrounding area and heritage assets

Development proposals are required to reflect the character of their street and the scale and proportion of surrounding houses. This is supported by Policy DM01 of Council's Development Management Policies which states that development should understand local characteristics and 'preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

In addition, Policy CS5 of the Core Strategy states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'.

Policy DM06 requires all development to have regard to the local historic context. Proposals affecting heritage assets should demonstrate the significance of the heritage asset; the impact of the proposal on the setting of the heritage assets and how the benefits outweigh any harm caused to the heritage assets.

As noted above, the subject site benefits from previous planning consents for the redevelopment of the site, although these appear to have now lapsed. Similar to previous approvals, the current application seeks to increase the footprint of the new dwelling and re-align its orientation from present. In addition, and of material consideration, is the appeal decision relating to N10150Q/07 (appeal reference APP/N5090/A/07/2058188/WF). It is acknowledged that this is somewhat dated and governed by a different set of policies and supplementary planning documents than presently adopted, however nonetheless the Inspectors views form a material consideration in the assessment of the application. Relevant findings of the Inspectors decision are incorporated below.

The character of the green is of sizeable detached dwellings set within substantial plots both in width and depth. The vast array of dwellings are significantly recessed within their plots and are further afforded a substantial visual break by virtue of the open wooded area that separates between the plots and the Totteridge Green highway. As such, their visibility to an extent is reduced when viewed from the road.

The scheme has been amended during the course of the application reducing the rearwards projection of the swimming pool and associated massing/roof form which officers had considered excessive. The changes are considered to have a positive impact on the acceptability of the proposed development.

The Inspector in Paragraph 4 of their decision letter stated as follows:

'In my opinion, because the appeal site is extensive, the proposed house would be located within ample grounds, set well back from the public road and not appear visually obtrusive when viewed from the highway or the dwellings on either side. Indeed, I noted at the site visit that the adjoining dwelling to the north is also large and set within substantial grounds with extensive tree cover along most of the boundary with the appeal site. I do not agree with the Council's assessment given in the reasons for refusal that the proposed house would be obtrusive due to its size, mass, bulk, design and loss of trees. Whilst the new house would be larger than the existing house, advantage has been taken in the design and location of the proposed dwelling to position it almost centrally on the site'.

The amended overall footprint whilst still a marked increase from the existing, is nonetheless comparable to the previously approved scheme which the Inspector considered acceptable and is typical of housing in the surrounding area. Given the extensive plot and central positioning of the dwelling (similar to the appeal scheme) the dwelling would not read as cramped or oppressive and would maintain adequate visual separation between buildings. The alignment of the new dwelling would better reflect the spatial pattern of development whilst still maintaining a significant recessed front elevation. The massing and scale of the proposal, is considered to broadly reflect housing in the surrounding area and therefore acceptable.

In paragraph 5 the Inspector stated: 'As far as the proposed design is concerned, in my opinion the scheme would blend well with the mixed character and designs of existing housing in the area'.

In terms of design and appearance, inspiration has been taken from the renowned architect, Norman Shaw, and whilst the half timbered Tudorbethan design is not commonplace in the immediate surrounding area, it does draw upon features from the neighbouring statutory listed building, The Croft, and that of some buildings within the wider Totteridge Conservation Area. In addition, and as the Inspector had observed,

officers consider the dwelling would add to the mixed character and designs of housing in the area. The Council's Heritage Officer raises no objections to the proposal.

The success of this development will be dependant on utilising high quality materials befitting of the Conservation Area. The applicant has confirmed that this will be the case with quality materials to be used such as natural wood for timbering, Welsh slates for Roofing and a condition will be imposed for a more detailed review of the proposed materials to ensure this is fully implemented.

Objections have been raised as to the adverse impact the development would have on the northern neighbouring building, The Croft, a Grade II statutory listed building described in the listing as 'an excellent essay in the Olde English style' and noted in the character appraisal as 'the most notable 18th and 19th century large mansion houses in the area'.

Although paragraph 7 of the Inspectors decision relates to the impact on the amenity of neighbouring building The Croft, it nonetheless sets the tone of what could be considered an acceptable relationship between the respective properties: The Inspector states: 'It is true that the new house would be nearer to the boundary with The Croft than the existing house, but given the distance involved, I do not consider there would be a significant loss of privacy. The neighbouring dwelling is also set some distance from the common boundary and the new house would be positioned in such a way that it would not cause significant overlooking of the buildings of the adjoining property.'

Whilst it is acknowledged that the proposal would result in a building closer in proximity to The Croft, its siting would not be too dissimilar to that under the previous scheme which as stated above the Inspector considered to have an acceptable relationship. Furthermore, the proposed dwelling, unlike the approved scheme, would to the northern boundary of the site consist of a single storey wing housing the garage and swimming pool in contrast to the appeal two storey height scheme and thereby further mitigate any impact in its relationship. Consequently, the main two storey bulk of the dwelling would afford a separation distance of approximately 16m to the northern boundary with The Croft. Moreover, it is also noteworthy to point out The Croft itself is sited a considerable distance from the boundary and a dense screen of trees exists between the two respective sites. As such, for the above reasons, it is not considered that any harm would be sustained to the heritage asset or its setting.

It is considered that the scheme is acceptable in terms of its impact on the character and appearance of the area for the reasons set out above. This view was shared by the Inspector who considered a previous appeal on the site which reinforces, rather than determines, the recommendation here, given that the appeal descion was some years ago.

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

Policy DM01 of the Development Management Policies 2012 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.

The proposal site is flanked to the north by 'The Croft' and to the south by 'Highfield'. A separation distance of 4.7-7.5m and 6.5m respectively would be maintained to each boundary and a further distance of some 15m would exist to the flank wall of The Croft and some 2.5m to the flank wall of Highfield. Given the separation distances, it is not considered that any harm would arise as result of overshadowing, sense of enclosure or an overbearing impact.

Furthermore, whilst some windows are proposed within the upper floor flank elevations of the building, these do not serve habitable rooms but rather en-suite bathrooms or stairwells and as such do not pose concerns of overlooking or loss of privacy. Nonetheless for certainty a condition will be attached to ensure these windows are obscure glazed with only a fanlight opening.

It is therefore not found that the proposal would result in demonstrable harm to neighbouring occupiers.

#### Whether satisfactory living standards would be provided for future occupiers

The proposed development would result in a 6-bedroom property, providing occupancy for 12 persons. The development would significantly exceed the minimum internal space standards for such a property in accordance with Policy D6 of the London Plan (2021) and the Sustainable Design and Construction SPD (2016). Furthermore, all habitable rooms would benefit from adequate outlook and levels of light. Private amenity space would be provided well in excess of that required. As such, the proposed development would provide an acceptable standard of living for future occupiers.

#### Highways and parking

In accordance with Policy DM17, such a property would attract a parking provision of between 1.5 to 2 spaces. Given the low PTAL rating of 1a, highway officers consider 2 spaces would be required. The proposal incorporates a double garage and a sizeable front forecourt which could more than adequately accommodate the required provision, however, a detailed parking layout will be requested by way of condition. As such, it is not considered that any harm would arise to the surrounding highway network and pedestrian safety.

Based on London Plan standards, a minimum of 2 cycle parking spaces are required. No details have been provided, however, it is considered that the requirement could be adequately accommodated on the extensive site. Details of such can be secured by way of a condition.

#### Impact on TPO trees

The councils Tree officer has reviewed the submitted documents and has noted as follows:

'There have been various schemes approved to demolish and rebuild this property. The demolition of the house and outbuildings is unlikely to have a significant impact on the protected trees around the site, if undertaken with care. However, access into the property is a concern due the TPO oak tree T01 on the tree protection plan. There is an extremely high risk that this tree will be damaged by construction traffic. The absence of proper surfacing here also means there is a high risk of soil compaction...With minor adjustments to the scheme there is considerable scope to reduce the impact on protected trees growing around the site.'

Minor adjustments in discussions with the tree officer have been incorporated in order to reduce the impact on protected trees across the site. This has resulted in only the following loss of on site trees:

G02 Various Partial removal of group: fell shrubs to ground level; grind out stumps. Category C2 which are trees of low quality and, therefore, acceptable. Suitable replacement trees can be incorporated by way of a condition.

In respect of construction activities and the risk to the large mature oak tree (T01), the applicant has explored an alternative temporary construction route through the wooded verge fronting the site. Furthermore, the applicant has provided a written email from the landowners, Totteridge Manor Association, of an in-principle agreement to construct a temporary access route through the wooded verge.

Based on a subsequent site visit by the tree officer, there is an area of land within the wooded verge that could accommodate such a route with minimal impact to any trees of any significance. Therefore, subject to further supporting information, an arboricultural method statement and mitigation planting post development, officers are satisfied that an alternative construction route could be devised thereby protecting the TPO tree. A suitable pre-commencement condition will be imposed to detail this aspect in full.

#### **5.4 Response to Public Consultation**

- Lack of archaeological desk based assessment (DBA);  
GLAAS have confirmed that a DBA is not required for this site.
- Validation requirements;  
The submitted documents accord with national and local requirements
- References to previous unauthorised tree felling;  
Such works fall outside the scope of this planning application.
- Concerns over site maintenance during construction;  
A suitable Construction management plan will be attached to address this aspect.
- The tree report proposes to remove 2 oak trees, an apple tree and a large section of hedgerow. There is no proposal to replace the trees or hedging along the northern boundary;  
The amended scheme results in only the partial removal of group of trees of low quality. A comprehensive tree and soft landscaping scheme will be attached to the approval.
- No photographic evidence or visuals of the proposed new dwelling to make an informed judgement;  
Elevation drawings have been provided. There is no requirement to provide visuals.
- Appears to be "off the shelf" development and would feel very out of place on Totteridge Green erode the special character;  
The proposal has been assessed on its own merits and context of the site and wider locality. Notwithstanding this, the applicant contends this point and considers the proposal to be a bespoke design of quality.

#### **6. Equality and Diversity Issues**

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

#### **7. Conclusion**

Having taken all material considerations into account, it is considered that the proposal would have an acceptable impact on the character and appearance of the locality and Totteridge Conservation Area and would not result in an adverse impact to neighbouring

occupiers. The application is therefore recommended for approval subject to conditions.