

Location 40 Egerton Gardens London NW4 4BA

Reference: 21/3373/FUL Received: 18th June 2021
Accepted: 21st June 2021

Ward: Hendon Expiry 16th August 2021

Case Officer: Dominic Duffin

Applicant: BY Developments

Proposal: Demolition of detached, single family dwelling and garage and erection of a pair of semi-detached houses with basements, associated amenity space, refuse storage, cycle parking and 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: and documentation

040EG-A-01-001 - Location Plan
040EG-A-01-002 - Existing Block plan
040EG-A-01-101 Revision 4 - Proposed Block Plan

040EG-A-03-101 Revision 4 - Proposed Basement
040EG-A-03-102 Revision 4 - Proposed Ground Floor
040EG-A-03-103 Revision 4 - Proposed First Floor
040EG-A-03-104 Revision 4 - Proposed Second Floor
040EG-A-03-105 Revision 4 - Proposed Roof
040EG-A-03-106 Revision 2 - Proposed Ground Floor External Parking space

040EG-A-05-101 Revision 4 - Proposed Section
040EG-A-05-102 - Proposed Section
040EG-A-06-101 Revision 4 - Proposed Elevations
040EG-A-06-102 Revision 3 - Proposed Elevations
040EG-A-06-103 Revision 3 - Proposed Elevations
040EG-A-06-104 Revision 4 - Proposed Elevations

40EG-A-02-101 Revision 4 - Proposed Visualisation
40EG-A-02-102 Revision 4 - Proposed Visualisation
40EG-A-02-103 Revision 4 - 3D View
40EG-A-02-104 Revision 3 - 3D View
40EG-A-02-105 Revision 3 - 3D View

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

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

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

- 3 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels for the development 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 D3,D4, D8 and G7 of the London Plan 2021.

- 4 a) No above ground works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas for the development hereby approved have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies D3, D4, D5 and D6 of the London Plan 2021.

- 5
- a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, for the development hereby permitted, 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 the occupation of the development.
 - 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 policy D4 and G7 of the London Plan 2021.

- 6
- a) No development, other than demolition works, 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, the Sustainable Design and Construction SPD (adopted October 2016) and policy D4 and G7 of the London Plan 2021.

- 7
- 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 D4 and G7 of the London Plan 2021.

- 8 Prior to occupation of the development hereby approved, a scheme of ecological enhancements to incorporate ecological net gain shall be submitted to the Local Planning Authority for approval. This could incorporate but not be limited to the following;

1. Creation of useful wildlife corridors within the site.
2. Any tree species for replanting should be native and typical of the local area and of UK provenance
3. Bat roosting provision should be incorporated into the fabric of the new structure. Suitable examples of integral roosting provision include Schwegler 1FR tubes or habitat bat boxes.
4. Inclusion of bird nesting provision in the form of bird boxes.
5. Using native plants in the landscaping design which can provide habitat for wildlife.

The enhancements shall be incorporated into the design, and managed after in perpetuity.

Reason: To ensure the development makes a positive contribution to the protection, enhancement, creation and management of biodiversity and would not have a significant adverse affect on protected species in accordance with Policy DM16 of Barnet's Development Management Policies Document DPD (2012) and London Plan Policy G.6

- 9 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' shall be submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;

- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SI10, SI1, D13 and T7 of the London Plan (2021).

- 10 a) Notwithstanding the approved plans, before the permitted development is occupied, details of refuse storage and collection arrangements for the development hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority

b) The development thereafter shall only be operated in accordance with the approved details

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012

- 11 Prior to occupation of the development, cycle parking spaces and cycle storage facilities shall be provided in accordance with the approved plans and thereafter be used for any purpose other than for the parking of cycles associated with the 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 and policy T5 of the London Plan 2021.

- 12 No works on the public highway including creation or modification of a vehicular access as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans.

The applicant will be expected to enter into an agreement with the Highways Authority under Section 184 of the Highways Act, for these works any and reinstatement of any consequential damage to public highway as a result of the proposed development.

Reason: To ensure that the works on the public highway are carried out to the satisfaction of the highway authority in the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy DM17.

- 13 Prior to occupation of the development, parking spaces and the access to the car parking spaces from public highway shall be provided in accordance with approved drawing 040EG-A-03-106 Revision 2 - Proposed Ground Floor External Parking Space. 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 Policy T6.1 of the London Plan (2021), 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.

- 14 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (Use Class C3) permitted under this consent they shall 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). Each residential phase of 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 D7 of the London Plan 2021.

- 15 Prior to the first occupation of the new dwellinghouses (Use Class C3) hereby approved they shall 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. Each residential phase of 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 SI5 of the London Plan 2021.

- 16 Prior to the first occupation of each residential phase of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10% in carbon dioxide

emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. Each residential phase of 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), Policy SI2 of the London Plan 2021.

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A to 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 character and appearance of the host property and surrounding area, the amenities of neighbouring occupiers, the health of adjacent trees and the general locality in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012)

- 18 The proposed basement areas for each dwelling shall only be used for ancillary residential purposes, as detailed on the approved plans, and at no time shall be converted to primary accommodation or converted to habitable rooms.

Reason: To safeguard the amenities of future occupiers in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 19 Before the building hereby permitted is first occupied the proposed windows in the flank elevations at roof level (dormers) 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).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application.

The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

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

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

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

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

Please visit

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

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

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

- 4 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

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

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

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

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

Any highway approval as part of the planning process for the reinstatement or alteration to the existing access/crossovers or provision of a new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense including any relocation of street furniture, lighting columns or amendments to parking bays affected by the proposed works. Any alterations to on-street parking bays will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process.

An estimate for this work could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

- 7 If a pump lorry is to be operated from the surface of the public highway, 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.

- 8 To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway.

A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrsua@barnet.gov.uk at least 10 days prior to commencement of the development works.

- 9 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk.

OFFICER'S ASSESSMENT

1. Site Description

The application site is located on the southern side of Egerton Gardens. The site is occupied by a detached, single family dwelling house with an attached garage to the side of the property, with a two storey flat roof extension to the other side. The property benefits from off-street parking to the front and has a large garden to the rear. It is noted that site is adjacent to No.44 on the eastern site boundary and No.38 on the western site boundary. No.44 is a detached dwelling while No.38 is a semi-detached dwelling.

The area is of mixed residential character with dwelling types including terraced, semi-detached and detached properties. The existing dwellings on the street comprise a mix of single-family dwelling houses and flatted developments.

The site is located within Flood Zone 1 which has a low probability of flooding. The property is not listed nor are there any listed buildings located in the surrounding area.

2. Relevant Site History

Reference: 21/8149/QCF

Address: 40 Egerton Gardens

Description: Demolition of existing house and creation of two houses.

Decision: Advice issued.

Decision Date: 12.05.2021

Enforcement

Reference: Reference: 21/8149/QCF

Address: 40 Egerton Gardens

Description: Use as HMO

Decision: No Further Action - Lawful

Decision Date: 20.03.2020

3. Proposal

Consent is sought to demolish the existing dwelling and replace it with a new two-storey building with rooms in the basement and roof space. Two parking spaces would be provided to the front. The houses would have a double gable projection to the front and would be finished in brick and render with a hipped roof above. Basements would be created below the footprint of the building. The rear garden would be sub-divided to provide two new areas of private amenity space to serve the dwellings. Each dwelling would be served by a side facing dormer window and the eastern property would have a rear dormer, the western dwelling would have a shallow two-storey rear projection with a hipped roof.

4. Public Consultation

Consultation letters were sent to 67 neighbouring properties. 5 responses were received comprising 6 letters of objection. The response received can be summarised as follows:

- Object in the strongest possible terms to this proposal. As residents of the house directly opposite our access in and out of our road and house will be very, very restricted.
- Very concerned about the environmental impact on our young child. This process is entirely inappropriate for the setting.
- Noise and disturbance, proposal will cause greater congestion on the road
- Concern about accessing property, this is a no through road
- Concern about basements impact on adjoining properties
- Two dwellings will look out of place
- The building works will be disruptive

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) 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, is indivisible from good planning, and should contribute positively to making places better for people'. 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, CS4, CS5, CS14.
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM16, DM17.

Barnet's 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)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development;
- Whether harm would be caused to the character and appearance of the application site, the street scene and wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether adequate amenity would be provided for future occupiers;
- Impact on highways;
- Other material considerations

5.3 Assessment of proposals

Principle of development

The existing dwellinghouse is understood to be in use as an HMO within Class C4. However, officers note that this does not benefit from consent nor has it been demonstrated to be lawful via a certificate of lawful use. Previous submissions have advised that the C4 HMO use was in existence prior to the council's 26 May 2016 when the Council implemented an Article 4 Direction across the borough requiring planning permission for any change of use from buildings used as dwelling houses (Use Class C3) to buildings used as small-scale houses in multiple occupation (Use Class C4).

An enforcement investigation was opened into the change of use of the dwellinghouse to HMO without permission (see history). However, this was closed without action as the enforcement officer was satisfied that the applicant could demonstrate the use had been ongoing since before the Article 4 direction restricting the change of use from C3 to C4 came into effect on 29 May 2016. As such, the officer deemed the change of use to be exempt from enforcement action.

Taking this into consideration, limited weight can be given to the requirements of Policy DM09(a) in respect of the loss of the existing HMO as the change of use from C4 to Class C3 otherwise remains permitted development.

Character and appearance

Policy DM01 states that development proposals should have due regard for the character and pattern of development in the local area. The surrounding area is residential in character. It comprises predominantly two-storey detached and semi-detached houses on the southern side of Egerton Gardens and terraced houses on the northern side.

The proposed replacement building has a dual-gable design to the front elevation. The structure extends further rearwards on the western flank adjacent to the neighbouring property at 38 Egerton Gardens, with the two-storey rear outrigger initially proposed with a large rear facing gable. Amended plans have amended this to a hipped roof, set down from the main ridge and set in slightly from the flank elevation. The proposed building benefits from dormer windows to both sides and the rear roof-slope and would be is higher than the neighbouring at No. 44.

It was noted at pre-app that the existing building is unusually high, but concern was raised that the larger width of the replacement building and its closer proximity to No. 44 results in a slightly awkward relationship within the streetscene. The overall height and roof form had taken its lead from the taller semi-detached dwelling at No.38, but the ridge level has been reduced and now steps down from 38 to the site with a further step down to No.44. Whilst still bulkier in appearance to No.44, this stepped approach does recognise a progression to more substantial sizes progressing to the west along Egerton Gardens. The reduced scale of the roof form can be broadly accepted.

The proposed scheme has a staggered rear elevation with the western dwelling served by a hipped roof. The rear protrusion adjacent to No. 38 is beyond the established building line on this section of Egerton Gardens. The overall depth has been reduced from the pre-application submission to a similar depth as the existing two storey flat roof side projection. The building would extend beyond No.44 by some distance, but this is a relatively shallow

house, and further along the southern side of the road there are some fairly substantial rear projections, some two storey and some which are single storey. The initially proposed rear gable would have been a prominent element on the proposed development, and extending across the entire width of the house, and resulting in a long side roof plane, it would have appeared bulky within the streetscene. Whilst it would result in the removal of the flat roofed element which is of poor design and visible from the streetscene, the overall bulk was still considered excessive and resulting in an excessively prominent building.

Officers advised the rear element would benefit from a set down from the main ridge and a hipped roof would significantly reduce the overall bulk and scale of this element. Revised plans have been received which hip the roof above the rear projection and the ridge is set down from the main ridge. This reduces the overall bulk to an acceptable level.

The proposal also included bulky dormer windows to each side. Side dormer windows are not prevalent in the local area and the addition of large dormers to each side would appear out of keeping. Again, revised drawings have reduced the bulk of the dormers and they are now considered acceptable design features of the scheme. The design amendments would now result in a proposal which would not appear excessively dominant.

Front porch canopies are proposed above the entrance doors, these would be flat roofed in nature. There are examples on older properties of flat roof canopies which appear dated, however in this case, and as part of a modern new build it is not considered that this aspect is neither unsympathetic nor incongruous, such to amount to a reason to refuse consent.

Walk-on skylights are proposed in the side passages and to the rear and are considered an acceptable means to provide light to the basement level, while having less visual prominence.

The refuse stores are located along the front boundary of the site. It is noted that there is open bin storage to the front of a lot of properties along the street. Ideally bin storage would be situated in a more discrete location rather than abutting the pavement. However, incorporated as well-designed, modest storage structures to the front of the dwellings, this again raises no real serious concerns.

In light of the above it is considered that the overall design of the amended development raises no concerns and would not result in an inappropriate development. The proposed design and layout is considered acceptable.

Neighbouring Amenity

Paragraph 2.7.1 of Policy DM01 states that

Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the well-being of the borough's residents. It is important to ensure that developments do not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook.

The dwelling would extend beyond the building line of the adjoining dwelling at No.38 by approximately 1.0m. Whilst a sizable flank is proposed, there is separation to the habitable rooms, created by a side garage, and the only flank window at No.38 is obscure glazed. The property is served by a reasonably deep garden and it is not considered the proposed

would appear excessively overbearing or result in loss of daylight/sunlight or impact excessively on outlook.

The eastern proposed dwelling would extend beyond the main rear elevation of No.44 Egerton Gardens by 3.0m. The flank wall would retain a gap of approximately 1.3m tapering out to 1.5m to the common boundary. Whilst reasonably deep, it is not considered rear facing windows would suffer significant loss of light and the gap of the flank wall to the common boundary, and the fact that No.44 is served by a generous and relatively deep rear garden area would reduce any overbearing impact. The proposed relationship is considered acceptable and consistent with the Residential Design Guidance SPD position on 2 storey rear extensions

No side facing windows are proposed in the flank elevations, dormers could be conditioned obscure glazed.

The proposed unit 1, on the western side, would extend beyond proposed unit 2, by approximately 2.0m, but it is not considered there would be any serious loss of amenity to future occupants of unit 2.

Living standards for future occupiers

Floor Area:

The London Plan (2016) and Section 2.1 of the Sustainable Design SPD (Oct 2016) set out the minimum gross internal area (GIA) space requirements for residential units. A bedroom measuring 11.5m² and above is calculated as a two-person room.

The proposed dwellings would be required to meet the minimum internal space standards as demonstrated below:

4-bed, 7-person, 2-storey (Western dwelling): 115m² required

4-bed, 6-person, 2-storey (Eastern dwelling) : 106m² required

Both units exceed the requirement and provide generous levels of accommodation.

Table 2.2 of Barnet's Sustainable Design and Construction SPD (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 proposed bedrooms meet the above standards.

Floor to ceiling height:

The London Plan states that a minimum ceiling height of 2.5 metres is required for at least 75% of the gross internal area of a dwelling.

The proposed dwellings meet the above standard.

Light/outlook:

Section 2.4 of Barnet's Sustainable Design & Construction SPD (Oct 2016) states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and should provide reasonable levels of outlook to all habitable rooms.

It is considered that each habitable room would benefit from an acceptable level of outlook and daylight / sunlight. The scheme provides a good standard of outlook for future residents.

Amenity Space:

Section 2.3 of the Sustainable Design & Construction states that for a dwelling with up to seven or more habitable rooms it is required to provide a minimum of 85m² of usable external amenity space. A room measuring 20m² or more is calculated as two habitable rooms.

The proposed dwelling would exceed the stated usable external amenity space requirement providing generous rear gardens.

A concern at pre-app was that the basement areas included primary living accommodation, including bedrooms. The basements now only include ancillary accommodation at this level and this is considered acceptable. The site is located in Floodzone 1 and as such of low risk of flooding, it is not considered that a Basement Impact Assessment is required, and the future use of the basement should not pose any risk to future or neighbouring occupants.

Based on the above, it is considered that the proposed development would provide an acceptable level of amenity for future occupiers.

Highways

The Local Highway Authority provided the following initial comments:

Egerton Gardens, NW4 and the surrounding roads have been included in a Residential Controlled Parking Zone (CPZ - Zone HC2) which is in force from Monday to Friday between 10am and 5:30pm. Vehicle parking and waiting is restricted at the end of the road to the east by a way of double yellow lines. The Public Transport Accessibility Level (PTAL) for the site is assessed as 2 which is regarded as poor accessibility.

Vehicular and pedestrian access arrangements:

The applicant is advised that the Council's Domestic Crossover Policy adopted in April 2019 allows crossovers of 2.4- metre minimum width and 4.2-metre maximum width with a minimum distance of 2.4 metres between adjacent crossovers.

The distance of the crossover from the adjoining junction should be at least 8 metres. The new Policy also requires that the location of a boundary wall, fence or hedge needs to be within 0.6 metres of the edge of the crossing to prevent vehicles entering their frontage from overriding the adjacent footway.

Taking the above into consideration, the existing vehicular crossover adjacent to the eastern site boundary needs to be narrowed down so that the resultant width will not exceed 4.2 metres as required by the Council's Crossover Policy. The remainder of the crossover needs to be reinstated to the footway level. Additionally, a form of boundary needs to be created within 0.6 metres from the edge of the vehicular crossovers to prevent car vehicles from running over the footway to access the parking spaces.

A revised car parking layout plan showing details for the access arrangements as per the above requirements has been submitted through amended plans to address this concern.

The applicant will need to submit a separate application under S184 of the Highways Act 1980 to Barnet Council's Highways Crossovers Team about the required alterations to the existing access arrangements that need to be made in order to comply with the Council's standards.

Assessment of Vehicular Parking Provision:

According to the Parking Standards as set out in Barnet Council's Local Plan Development Management Policy DM17, the range of vehicular parking spaces which would need to be provided as part of the proposed development is between 3 and 4 parking spaces.

Based on the PTAL rating for the site as 2 (poor accessibility), approximately 4 off-street parking spaces would be required to meet the parking standards of DM17 policy. Therefore, the provision of 2 car parking spaces on site is falling short of 2 car parking spaces based on the residential parking requirements of DM17 policy.

However, the assessment must take into consideration the following factors:

- The site is located within walking distance from Brent Street Town Centre to the northeast and in close proximity to a range of local facilities on A504 to the west;
- Although it lies in a PTAL zone 2 (poor accessibility), 6 Transport for London (TfL) bus routes (326, 143, 183, 113, 324 & 186) can be reached on foot;
- The applicant has submitted a Transport Statement (TS) including results of the parking survey that was carried out subject to the Lambeth Methodology standard practice on Tuesday 11th and Wednesday 12th May 2021 at 04:30am and 04:15am respectively.

The Local Highway Authority have assessed the parking survey. Although the survey results demonstrated that the overall parking stress on the surrounding local highway network is 82% - which means that it experiences parking pressures - 30 car parking spaces were found available on street. Therefore, the network can accommodate additional on-street demand for 2 parking spaces and the proposed development would be acceptable on highway grounds without the need for permit restriction.

Cycle Parking and Storage:

Drawing No. 040EG-A-02-101 shows that one cycle storage facility will be provided per dwelling at the rear amenity spaces to be facilitated by two side passageways. Each cycle storage facility will accommodate a minimum of 2 cycle parking spaces which complies with the 2021 London Plan Cycle Parking Standards.

Refuse Collection Arrangements:

The proposed bin stores as shown on the Drawings will be located within 10 metres from public highway and close to the site entrances to be easily accessible by the refuse crews on collection days. The proposed arrangements are acceptable on highway grounds.

Demolition, Construction Management and Logistics Plan (DCMLP):

The proposed development will include demolition and construction works and therefore will require submission of a robust Demolition, Construction Management and Logistics Plan (DCMLP) to ensure that road safety will be maintained especially for vulnerable road users throughout the works, delivery and construction-related trips to and from the site will be reduced as much as possible to ease congestion on the surrounding roads and follow access routes that minimise disruption to local residents. The DCMLP report will be requested by a way of a condition.

The application is recommended for approval on highway grounds subject to conditions and informatives.

Refuse

The proposed development is required to comply with Barnet's Waste and Recycling Strategy (2018). The proposed refuse and recycling bins are to be located to the front of the properties within the site. It is considered that the proposed development would comply with the highlighted standards.

Trees and Landscaping

The application has been supported by a Tree Survey (Trevor Heaps Arboricultural Consultancy Ltd, June 2021).

The proposals will require the removal of a small Box tree from the rear garden. The breakdown of trees to be removed is as follows:

- o Category A trees to be removed - None
- o Category B trees to be removed - 1
- o Category C trees to be removed - None

To mitigate the impact, new trees, shrubs and hedges will be planted post-construction, and this can be secured by condition. Tree protection measures are suggested within the submitted report and these measures can be secured by condition to ensure suitable protection for on-site vegetation and third-party TPO trees during the demolition and construction phases of the development. The proposed cycle store has been moved outside the RPA of TPO'd trees which are located to the rear of the site on adjoining land.

Ecology

A Preliminary Ecological Appraisal for the site, inclusive of a Preliminary Roost Assessment (PRA) of the trees and building been undertaken by a suitably experienced ecologist and in accordance with current best practice guidelines (agb Environmental). This recommended one bat emergence and one re-entry survey, which has now also been submitted (EC Assistance).

The findings were as follows;

1. The emergence surveys undertaken indicate that bats are not using any part of the structure for roosting.
2. The bat species recorded are not considered to be light averse.

No further survey effort or action is required at this stage in relation to the expected programme of works as bats are deemed likely to be absent from the structure (in line with current guidance).

A net gain for bats at the site can be achieved by providing simple habitat enhancements for the species known to be present.

o 1 x woodcrete type bat box suitable for pipistrelle bats is to be hung from a mature tree or affixed to an elevation of the new property post construction.

The proposal is acceptable from an ecological perspective.

Sustainability

In respect of carbon dioxide emission reduction, the London Plan requires that the proposal is designed to achieve a 10% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy SI.2 of the London Plan (2021) and the 2016 Housing SPG's requirements and a condition could be attached to ensure compliance with the Policy.

In terms of water consumption, a condition would be attached to any permission to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

The proposed development therefore could be conditioned to meet the necessary sustainability and efficiency requirements of the London Plan in the event of an approval.

5.4 Response to Public Consultation

The public comments received have been covered within the report above. It is not considered the proposal would result in access issues to other properties and the highways section raise no overall objection to the proposal.

Concern about basement impact/the building works being disruptive - It is considered any disturbance can be minimised with appropriate conditions. The proposed basement works will be addressed under Building Regulations and a Party Wall Agreement would be required.

Two dwellings will look out of place - The immediate area contains semi-detached dwellings and the character is mixed.

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

In light of the above appraisal, it is considered the proposed development as altered through amended plans is acceptable. It is therefore recommended consent is granted subject to conditions.

