

Location	2 Hollyview Close London NW4 3SZ	
Reference:	21/2828/FUL	Received: 21st May 2021 Accepted: 24th May 2021
Ward:	West Hendon	Expiry 19th July 2021
Case Officer:	Erica Mason	
Applicant:	Mr Sameh ElGamal	
Proposal:	Erection of a new three storey dwelling following demolition of the existing 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:

- 052(P)001 (Location Plan)
- 052(P)021 Rev A (Existing & Proposed Ground Floor Plan)
- 052(P)022 Rev A (Existing & Proposed First Floor Plan)
- 052(P)023 Rev A (Existing & Proposed Second Floor Plan)
- 052(P)024 (Existing & Proposed Roof Plan)
- 052(P)025 Rev A (Proposed Site Plan)
- 052(P)030 (Proposed Section AA)
- 052(P)041 (Proposed Front Elevation)
- 052(P)042 (Proposed Rear Elevation)
- 052(P)043 (Proposed Side Elevation)

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

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

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

- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s) in the adjoining terrace (2-8 Hollyview Close)

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

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

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

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 SI 1, SI 7, D14 and T7 of the London Plan 2021.

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

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

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

- 6 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and policies D4, G5 and G7 of the London Plan 2021.

- 7 No construction work resulting from the planning permission shall be carried out on

the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

- 8 Before the building hereby permitted is first occupied the proposed window(s) in the flank elevation at first floor level facing no. 143 Audley Road 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).

- 9 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10% in carbon dioxide emissions when compared to a building constructed to comply with the 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), Policy SI 1 of the London Plan (2021).

- 10 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the wholesome water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. Any use of grey water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012), Policy SI 5 of the London Plan 2021 and Barnet's Sustainable Design and Construction SPD (2016).

- 11 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3)

permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policy D7 of the London Plan 2021.

- 12 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. 052(P)025 Rev A (Proposed Site Plan) shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies T6 and T6.1 of the London Plan (2021)

- 13 Notwithstanding the approved plans, prior to occupation of the development, cycle parking spaces and storage shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

Reason: In the interests of promoting cycling as a mode of transport and to ensure that cycle parking facilities are provided in accordance with the minimum standards in accordance with London Borough of Barnet's Local Plan Policy CS9 of the Core Strategy (Adopted) September 2012, Policy DM17 of the Development Management Policies (Adopted) September 2012 and Policy T5 of the London Plan (2021).

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

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

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

- 15 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 Class A-G of Part 1 of Schedule 2 of that Order shall be carried out within the curtilage of the proposed dwelling

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).

- 16 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevation facing North.

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).

- 17 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.

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.

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

Please visit

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

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

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

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

Further details and the application form can be downloaded from:

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

- 4 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the

Cleansing Department.

- 5 The provision for the cycle parking spaces should be in line with London Plan Policy T5 table 10.2. They should be designed in line with chapter 8 of the London Cycling Design Standards (LCDS). Please see here for LCDS guidance:
<http://content.tfl.gov.uk/lcds-chapter8-cycleparking.pdf>

OFFICER'S ASSESSMENT

Committee Application recommended for Approval.

1. Site Description

The application site comprises an end of terrace three-storey single family dwelling, located on the north east side of Hollyview Close; an area predominantly residential in character consisting of uniform, three-storey terraced dwellinghouses. The exception is The Channings, 21 Hollyview Close. The Channings is a large detached dwelling, situated opposite the host site. The proposal property exists as it was originally built. Many of the other properties along the cul-de-sac also exist in their original form with only minimal alterations to some properties, mainly consisting of garage conversions specifically to no.s 4, 11, 16, 17 and 21 Hollyview Close. The works were accommodated via various approvals for Certificate for Lawful Proposed Development.

The proposal site is not part of a designated conservation area nor is it a listed building. It does not fall within a designated Flood Zone Area and there are no Tree Preservation Orders on site. The application site has a 'Public Transport Accessibility Level' (PTAL) rating of 3 which is considered Moderate.

The proposal site measures some 383m² as specified on the submitted planning application.

2. Site History

Reference: 18/0473/HSE

Address: 2 Hollyview Close London NW4

Decision: Initially Refused and subsequently Allowed on Appeal

Appeal Decision Date: 04 September 2018

Description: Part single, part two-storey side extension following demolition of existing garage including installation of railing to ground floor front and side elevations and additional balustrading to first floor level to front and side elevations. Insertion of 3no. rooflights to front elevation with 4no. roof windows and floor to ceiling glass panelling to rear elevation. Associated alterations to hard and soft landscaping.

Reference: W00323AG

Address: 2 Hollyview Close London NW4

Decision: Refused

Decision Date: 21 March 1996
Description: Single storey side extension.

Reference: W00323AD
Address: 2 Hollyview Close London NW4
Decision: Refused
Decision Date: 3 March 1995
Description: Two storey side extension.

Reference: W00323AB
Address: 2 Hollyview Close London NW4
Decision: Refused
Decision Date: 22 September 1992
Description: Erection of new dwelling (OUTLINE).

3. Proposal

The application seeks permission for the following works to the host property:

Erection of a new three storey dwelling following demolition of the existing garage. The proposed dwelling would largely mirror no. 2 Hollyview Close, in size and design - and would be attached to this neighbouring dwelling creating an end of terrace dwelling.

The proposed dwelling would measure 5.9m wide, a maximum depth of approximately 13.22m, 8m high to the eaves (with an eaves height of 4.6m to the rear of the roof) and 10.5m high to the top of the gable ended roof (All same as no. 2 Hollyview Close). The new dwelling will be set away from the common side boundary of the rear garden of no. 143 Audley Road by a distance of between 1.6m and 5.35m.

The new dwelling will be set away from the rear boundary of the site by 9.4m, same as No. 2.

4. Public Consultation

Consultation letters were sent to 102no. neighbouring properties. 16no. responses were received in the form of 13no. objections and 3no. supporting correspondence for the application. The responses are summarised as follows:

Support

- Ample land to the side of the applicant's current dwelling along with soft landscaping will blend the building's facade into the existing environment
- Not obtrusive upon entry to the Close
- Plans and designs are appropriate and sensitive to the location
- Very good use of the land and space to build another house in that space and in line with other three storey houses on the road
- Will add value to the existing houses in the Close

Objections

- Overdevelopment of land
- Potential parking issues

(Officer Comment: Discussed in the main body of the report)

- Disruption and noise during construction
- Potential noise and pollution

(Officer Comment: A condition would be added in case of an approval limiting times of construction and associated works. If issues of this nature is experienced to an unacceptable degree during construction and works, it should be reported to Environmental Health)

- Loss of natural light from the road and blind bend
- Sight line of the row of houses will be out of sync

(Officer Comment: It is considered that this element of the scheme would be similar to the existing situation and would lead to no further harm)

- Loss of front garden to number 2

(Officer Comment: A condition will be added in case of an approval for provision of adequate hard and soft landscaping for the site - the resultant amenity space to the front of both 2 Hollyview and the new dwelling will be comparable to the size of front gardens within the terrace and bigger in comparison to the end houses)

- Adversely impacts character of the road

(Officer Comment: Discussed in the main body of the report)

- House will be visible from Station Road

(Officer Comment: This is not considered harmful to the character and appearance of the area)

- Access to the proposed property would be over and through private land which does not agree to the planning application

- Contrary to covenants of the Close as well as dilution of shareholdings of existing residents with regards to communal land and surroundings

- Pavement and curb alterations require the agreement of the management company for the close which may have not been obtained

- The Council cannot override the Management Company who own and control the common land and pathways and with whom every household has signed a covenant and entertain and sanction permission to the applicant to build an additional independent House

(Officer Comment: The application or decision does not override the legal obligations of the applicant - this would be a separate matter outside of planning)

- Letters were not received by any property on the street nor was a site notice placed which is required by planning law

(Officer Comment: New letters and Site Notice were sent/erected)

- Structure would detract from the visual appeal of the close and constrict the sense of space at the opening to the residential area

- Proposals fail to overcome problems that previously led the council to reject similar applications to develop the site

(Officer Comment: Discussed in the main body of the report)

- Reduction of natural flora and fauna

- Proposal would affect a number of mature trees causing damage to the trees and/or long term problems to the foundations of any new property. Mature plane trees have been removed from the garden of No2 in the last 10 years

(Officer Comment: The Tree officer was consulted and raised no concerns re the above)

- Overlooking on to the garden of 143 Audley Road

(Officer Comment: Discussed in the main body of the report)

- New property will dilute the share holding of the current owners which could at some point have considerable financial value

(Officer Comment: This is not a planning consideration)

- The lack of a footpath and horizontal parking at number 1 would be out of line with other houses in the row

(Officer Comment: The Highways Department was consulted and discussed within the main body of the report)

Internal consultation

Highways Department:

Initial Highways Comments

Proposal

The applicant is proposing to demolish the existing garage and construct a 1x 4bed single family dwelling in its place (Subsequent drawings were received reducing the amount of proposed bedrooms to 3no). The applicant is proposing to provide 2x off-street car parking spaces (1x for the existing and 1x for the proposed unit). Please be advised that Hollyview Close NW4 is a private road.

Car Parking

The site lies within a PTAL3 zone, which means that there is good public transport accessibility to and from the site. In line with requirements set out on Policy DM17 of the Barnet Local Plan the required off-street car parking provision for this proposal is 3x spaces. Therefore, the proposed 2x spaces means an under-provision of 1x off-street car parking space, which has a potential of overspilling out onto Station Road which is part of the adopted road network.

However, taking the following into consideration:

- o The site lies within a PTAL 3 zone,
- o The site is located within walking distance of a town centre location,
- o The site is located within a Controlled Parking Zone (WH3) which is in operation Monday-Friday between 10am-11am.

It is considered appropriate to modify the traffic order to exempt the occupiers of the proposed units from the schedule of addresses eligible for parking permits in the CPZ. A Section 106 or Unilateral Undertaking Agreement contribution of £2,392.01 will be required in order to amend the traffic order.

Vehicular Access

Please note that the site lies within a private road.

On Adopted roads the required vehicular access dimensions are 2.4m to 4.2m with a gap of 2.4m between crossovers.

Please also note that the visibility spays will need to be considered for safety reasons when creating the hardstanding, as cars will be parked on both sides of the road when entering and exiting the site.

Refuse

The site lies within a gated development. The applicant is advised to confirm with the current refuse collector whether the proposed arrangement is in line with their requirements. If there is an agreement with the council's refuse collection department, an appropriate informative will be added as suggested.

Cycle Parking

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

Recommendation

The proposal is acceptable on highways grounds subject to a Legal Agreement to amend the traffic order.

Final Highways Comments

Proposal

The applicant is proposing to demolish the existing garage and now will construct a 1x 2bed single family dwelling in its place. The applicant is proposing to provide 2x off-street car parking spaces (1x for the existing and 1x for the proposed unit). Please be advised that Hollyview Close NW4 is a private road.

Car Parking

The site lies within a PTAL3 zone, which means that there is good public transport accessibility to and from the site. In line with requirements set out on Policy DM17 of the Barnet Local Plan the required off-street car parking provision for this proposal is 2x spaces. Therefore, the proposed is deemed acceptable on highways grounds.

Vehicular Access

Please note that the site lies within a private road.

On Adopted roads the required vehicular access dimensions are 2.4m to 4.2m with a gap of 2.4m between crossovers.

Please also note that the visibility spays will need to be considered for safety reasons when creating the hardstand, as cars will be parked on both sides of the road when entering and exiting the site.

Conditions suggested regarding cycle parking and storage, car parking spaces and a Demolition and Construction Management Plan.

Trees Officer:

Conditions to be included in case of an approval should be:

- 1) A scheme of hard and soft landscaping
- 2) Details of temporary tree protection

5. Planning Considerations

5.1 Policy Context

The determination of planning applications 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.

National Planning Policy Framework and National Planning Practice Guidance

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

The revised National Planning Policy Framework (NPPF) was published on 20th July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates

better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this". The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan.

Relevant Policies: D3, D4, D5, D6, G7, H1, T4, T5 and T6

LB Barne: Local Plan 2012

Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS4, CS5, CS9 and CS15.

Core strategy policy CS3 seeks to encourage higher densities in order to meet the housing targets for the Borough. The policy identifies areas of growth that are appropriate for regeneration and higher densities of development, noting that these areas are either town centres or are accessible by public transport. The policy further states that whilst higher density can be encouraged as a means of meeting housing targets, it should not drive development, rather it is a factor to be considered alongside the local context, design, transport accessibility and infrastructure.

Core strategy policy CS4 seeks to provide a range of sizes and types of accommodation, including homes for those who need larger dwellings including families, as well as homes for smaller households such as single key workers or older and vulnerable people.

Core strategy policy CS5 sets out the LPAs objective to promote a sense of place throughout the Borough by responding to locally distinctive characteristics and patterns of development. The policy text goes further to state that the Core Strategy aims to address strategic needs for family accommodation. The main source of supply to meet demand is largely provided by our suburban housing stock. We therefore need to protect such housing within established residential streets which, because of their rhythm and cohesiveness, contribute to local character.

Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM17

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

Policy DM08 seeks to both maintain and increase the supply of housing across the Borough.

Policy DM17 states that the council will ensure that the safety of all road users is taken into account when considering proposals, and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users. The policy further states that a development of this scale would be expected to provide a maximum of 1.5 vehicle parking space per dwelling.

Residential Design Guidance SPD (2016)

Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene. It states:

- Developments should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity it states that developments should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to the adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas

Sustainable Design and Construction SPD (2016)

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

Barnet's Local Plan (Reg 22)

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. 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 and the stage that it has reached.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposal would unacceptably impact the amenities of future occupiers;
- Whether the proposal would unacceptably impact upon trees.
- Whether the proposal would unacceptably impact highways and parking;

5.3 Assessment of proposals

Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

It should be noted that the applicant engaged in a Pre-application prior to the submission of the current scheme - and has endeavoured to adhere to the advice provided by the Local Planning Authority (LPA).

It is also noted that planning permission was sought under reference 18/0473/HSE for 'Part single, part two-storey side extension following demolition of existing garage including installation of railing to ground floor front and side elevations and additional balustrading to first floor level to front and side elevations. Insertion of 3no. rooflights to front elevation with 4no. roof windows and floor to ceiling glass panelling to rear elevation. Associated alterations to hard and soft landscaping'.

The application was refused by the LPA for the following reason:

'The proposed two-storey side extension by reason of its bulk, size, scale and massing results in an incongruous form of development highly visible within the streetscene which would fail to appear subordinate, proportionate or sympathetic to the existing dwelling house and the adjoining terraced properties to the detriment to the character and appearance of the host property and surrounding area; including the street scene. In this regard, the proposal is considered unacceptable and fails to comply with policy DM01 of the Development Management Policies DPD, Policies CS1 and CS5 of the Barnet Core Strategy and the Barnet Adopted Residential Design Guidance SPD (October 2016)'.

However, following an appeal of the decision under reference APP/N5090/D/18/3205111, the proposal was allowed on 04 September 2018. The Planning Inspector stated:

"The appeal plot is uniquely wide in the estate, and is more than double the width of the rest in the terrace. Few other houses would be capable of side extensions, possibly none in the same way as proposed at the appeal site".

And

"... The proposal would not detract from the character and appearance of the house, the terrace and the surrounding area. It would not be in conflict with Policies CS1 & CS5 in Barnet's Local Plan Core Strategy (2012) or Policy DM01 in the accompanying Development Management Policies (2012). Among other things, these policies seek to conserve and enhance the distinctiveness of Barnet's residential areas; to encourage attractive development; and to ensure respect for the appearance, scale, mass height and pattern of surrounding development. The design would not be inappropriate to its context, which would satisfy an explicit purpose of the SPD".

Taking into consideration the comments of the Inspector and considering the size of the plot including the width, the Council are mindful of this justification in considering a revised scheme for an end of terraced dwelling of this size at the application site - as discussed below.

It is noted that an objection was raised referring to the historic planning application reference W00323AB, which was refused. The inspector at the time commented on the spacious entrance to the estate stating that a new dwelling of matching design would harm the character and appearance of the locality. The appraisal has taken into consideration all of the planning history. However, the recent approval by the planning inspectorate provides a more recent view of an extension at the property wherein the previous assertion

of the Council was tested at appeal.

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan) and policy D3 of the London Plan (2021).

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The proposal seeks planning permission for a three storey dwellinghouse to be attached to no. 2 Hollyview Close, forming an end of terrace property. The common side boundary will face the side element of the rear garden space of no. 143 Audley Road. The property itself will measure largely the same as no. 2 having the same design including the same roof form featuring a gable end. The main differences relate to differing roof lights within the main roof.

The depth and width of the resultant plot for both no. 2 Hollyview Close and the new attached dwelling will be comparable to other plots within the terrace of dwellings - both in size and design. The existing site is wider than the other sites along this terrace of dwellings. Therefore, it considered to adequately facilitate the additional dwelling and associated amenity space.

The dwelling by reason of its size, siting and design is considered to be proportionate and would harmonise with the immediate and general locale. The dwelling would follow the same design of the neighbouring properties on Hollyview Close and is not considered to be bulky or incongruous as a result.

As mentioned above, planning permission was granted for a two storey side extension. Therefore, the principle of the additional extension is established- with the side extension now sought to facilitate a new dwellinghouse. The design of the house would be largely the same as no. 2 Hollyview Close and the remaining terraced dwelling on Hollyview Close. Therefore, the continuation of the proposed gable roof form at the same size including eaves and ridge height as no. 2 would have an acceptable impact on the current streetscene.

At the pre-application stage, the applicant was advised by the LPA to mirror the design and size of the dwelling at no.2, in order to have an acceptable design, mass and scale, to ensure that the proposal would relate sympathetically to the character of the surrounding area - and this has been largely achieved.

The proposal would feature the same design and materials as no. 2 including main gable roof elements at the side and front at 3rd floor level, eaves and ridge heights, fenestration and lintel details, and the first floor front balcony. Therefore, the continuity of design of the proposed dwelling would have an acceptable impact on the character of no. 2 and the general locale. Furthermore, the associated alterations to hard and soft landscaping as shown on drawing no. 052(P)025 Rev A (Proposed Site Plan) are considered to be a welcome addition, and would be conditioned for reasons of clarity and completeness, so that species and plant heights can be assessed. This in turn will ensure a satisfactory appearance to the development.

The proposal in general is considered to have an acceptable impact due to the size, siting and design. The proposed rooflights are also considered acceptable allowing for adequate natural light into the roof space. The house would largely match the character and design of the existing neighbouring properties and surrounding area, compliant with development plan policies such as DM01, CS05 (both of the Barnet Local Plan) and policy D3 of the London Plan (2021).

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

Policy DM01 states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The proposed site would facilitate an end of terrace property, located on the east side of Hollyview Close, which is the nearest property to the bend leading to the entrance of the Close, leading to the main junction with Station Road NW4. As such, the host site benefits from one adjoining neighbouring property at No. 2 Hollyview Close. As the proposed dwelling would extend no further rearward or forward of the main building line of the host property, the proposal is not considered to result in any adverse neighbouring amenity impact. Due to this, the proposals would not be considered to result in a loss of light, outlook, privacy or a sense of enclosure or overbearing on the neighbouring property. An adequate amount of amenity space for the occupiers of No 2 would be retained.

The proposal site also shares a common side boundary with the rear garden amenity space of no. 143 Audley Road - with the rear boundary adjoining the garden of no. 139 Audley Road.

The proposed dwelling will be set a distance of 23m from the dwelling at no. 139 Audley Road and approximately 10m from the rear boundary, the same as the existing dwelling at no. 2 Hollyview Close. This distance is adequate to allow for an acceptable impact on the neighbouring amenities including overlooking and loss of privacy with regard to the expectations of the Sustainable Design and Construction SPD.

The house at No. 143 is set further away. However, the rear garden area shares the common side boundary with the proposal site. The proposed single first floor window which will serve a staircase for the new house, will face this boundary, but will be conditioned to be obscure glazed, to protect the neighbouring amenities from loss of privacy and overlooking. Whilst windows are proposed at ground floor level to the side elevation, the proposed dwelling is set away from the boundary by at least 1.6m. A further condition will be added to ensure adequate boundary treatment is forthcoming to further mitigate potential loss of privacy.

Impact on amenity of future occupiers:

Table 3.1 of the London Plan (2021) sets out minimum Gross Internal Area (GIA) standards for new dwellings.

The GIA for a three storey 3no. bedroom, 6 person dwelling requires at least 108m². It should be noted that whilst a 3no. bedroom (same as at no. 2 Hollyview Close) property was initially proposed, due to stacking and reasons of outlook, the proposal has been changed to a 2no. bedroom dwelling - allowing for a living room at first floor, at the request of the applicant. The standards also set out minimum acceptable room sizes for single and double bedrooms, confirming that at least 7.5m² should be provided for the former and

11.5 m² should be provided for the latter. The proposed rooms comply with the standards by reason of the adequate sizes.

The existing house at no. 2 Hollyview will retain the following space standards:

Ground floor living room: 15.7 (1 habitable room)
Ground floor dining room 11m² (1 habitable room)
Ground floor kitchen 14.8m² (1 habitable room)

1st floor lounge 22m² (2 habitable rooms)
1st floor master bedroom 23.2m² (2 habitable rooms)

2nd floor study 7.65 (non-habitable - no windows)
2nd floor bedroom 9.36 (left) (1 habitable room)
2nd floor bedroom 10.53 (right) (1 habitable room)

The proposed house attached to no. 2 Hollyview will facilitate the following space standards:

Ground floor open plan 55.5m² (equivalent to 2 habitable rooms)
1st floor lounge is 17.29m² (1 habitable room)
1st floor master bedroom is 25.8m² (2 habitable rooms)
2nd floor bedroom (front) 18.32 (1 habitable room)
2nd floor study 13.65 (non-habitable room - no windows)

Furthermore, all habitable rooms benefit from at least 20% glazing ratio and unobscured outlook as advised within table 2.4 of the Sustainable Design and Construction SPD (2016) which discusses Daylight, Privacy and Outlook acceptability.

Also, the proposed new dwelling would have a total GIA of approximately 166.5m² which clearly illustrates the adequate size and proportions of the development. The submitted plans also confirm that the minimum space standards would be complied with. In addition, the adequate outdoor amenity space is provided with regard to the expectations set out in the Sustainable Design and Construction SPD.

Garden Amenity

The Sustainable Design and Construction SPD 2012, Table 2.3 and section 2.3.2 lists the required garden amenity space for houses:

- o40 m² of space for up to four habitable rooms
- o55 m² of space for up to five habitable rooms
- o70 m² of space for up to six habitable rooms
- o85 m² of space for up to seven or more habitable rooms

Habitable rooms as described within the Residential Design Guidance SPD (2016) is a room within a dwelling, the primary purpose of which is for living, sleeping or dining, including kitchens where the total area is more than 13m² (including fittings), or the dining space if it is divided from the working area by a moveable partition. Rooms exceeding 20m² will be counted as two.

No. 2 Hollyview Close would retain 9no. habitable rooms and the proposed dwelling would facilitate 6no. habitable rooms.

The private rear / side garden amenity space for the proposed dwelling would measure approximately 91.94m². No 2 Hollyview Close would retain a rear garden amenity space of 54.52m². The retained garden at No. 2 is similar in size to the rear garden amenity spaces at the neighbouring properties along this terrace of dwellings. The proposal plot by reason of its' size is considered to be an anomaly at this end of Hollyview Close. Whilst the retained house would lose some amenity space, it is comparable with the rear amenity garden spaces at the existing neighbouring dwellings along this terrace which also have a similar number of habitable rooms as the existing property. Therefore, it is considered that in this case the resultant gardens are acceptable and would facilitate usable private amenity for current and future occupiers.

Also, the internal configuration is appropriate in respect of the shared party wall - where-in bedrooms, bathrooms and lounge/kitchen areas are adjacent to each other between the existing dwelling at No.2 and the proposed dwellinghouse. The exception on the initially submitted drawings were that the existing first floor study at No. 2 would sit beside the neighbouring bedroom at 1st floor. However, following amended drawings, the horizontal 'stacking' of the properties allows for the bedrooms and living rooms to be adjacent on a like for like basis at both properties. The scheme is considered to be acceptable with regards to protecting both the amenities of future occupiers and current occupiers of the neighbouring property, in relation to noise and disturbance.

Therefore, the Local Authority are satisfied that the proposed dwelling would provide acceptable living conditions and amenity for future occupiers in accordance with Policy DM01 and DM02 of Barnet's Development Management Policies Document DPD (2012), the requirements of Barnet's Sustainable Design and Construction SPD (2016) and Policy D3 of the London Plan (2021).

Potential Impact on Trees:

Policy DM01 of Barnet's Development Management Policies Document (2012) advises that trees should be safeguarded. Furthermore, policy G7 of the London Plan states that development proposals should ensure that, wherever possible, existing trees of value are retained. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area.

No Tree Preservation Orders (TPO) exist at the site. However, tree(s) exist at the site and neighbouring sites at no. 143 Audley Road. The tree officer reviewed the application and confirmed that conditions should be added into any approval relating to provision of Hard and Soft Landscaping Details and to ensure Tree Protection is in place during construction.

It is considered that the measures would retain appropriate visual amenity in respect of the street scene. Soft landscaping and trees are an integral part of the character of this area and should be maintained. The strip of landscaping at the front will be enhanced following the submission of details from the above mentioned condition. This will assist in mitigating the hardstanding to provide a more acceptable impact on the overall character of the area and neighbouring amenity. It is therefore considered that the proposal is acceptable and complies with planning policy DM01 of the Development Management Policies and G7 of the London Plan.

Impact on Highways and Parking:

Policy DM17 outlines the adopted parking standards for residential developments. It states that a house with 2 to 3 bedrooms is required to provide 1.5 to 1no. off-street car parking spaces. There is sufficient space on the front drive to accommodate 1no. car for each property.

Therefore, the proposed 2no. spaces means an under-provision of 1no. off-street car parking space, which has a potential of overspilling out onto Station Road which is part of the adopted road network. However, taking the PTAL rating into consideration, the fact that the site is located within walking distance of a town centre location, the Highways officer confirmed the acceptance of the scheme. Therefore, notwithstanding that Station Road, nearby, falls within a Controlled Parking Zone - (WH3) which is in operation Monday-Friday between 10am-11am - the proposal site is a private road which is not subject to a CPZ. Therefore, on further inspection of the proposal, the Highways officer confirmed that the application would not require a modification of the traffic order to exempt the occupiers of the proposed unit from the schedule of addresses eligible for parking permits in the CPZ. However, conditions are recommended to be added into an approval relating to cycle parking and storage, car parking spaces and a Demolition and Construction Management Plan.

Cycle parking and cycle storage facilities should be provided in accordance with the London Borough of Barnet's Local Plan, in the interests of promoting cycling as a mode of transport. The proposal requires cycle parking provision for 2no. spaces and a condition is proposed to that effect.

With regards to the vehicular access, it is noted that the site lies within a private road. On Adopted roads the required vehicular access dimensions are 2.4m to 4.2m with a gap of 2.4m between crossovers. Visibility splays will need to be considered for safety reasons when creating the hardstand, as cars will be parked on both sides of the road when entering and exiting the site.

The applicant is advised to seek the crossover standards for private roads.

With regards to Refuse and Recycling, the site lies within a gated development and therefore the applicant is advised to confirm with the current refuse collector whether the proposed arrangement is in line with their requirements. An informative will be added into an approval, if there is an agreement with the council's refuse collection department stating that bin enclosures should be situated within 10m of the property boundary; alternatively, the bins should be brought to the front of the site on bin days.

In adherence to the above, it is considered that the scheme is compliant and would have an acceptable impact on the Highways, subject to appropriate condition(s) and Informative(s).

5.4 Response to Public Consultation

All comments dealt with within the main body of the report.

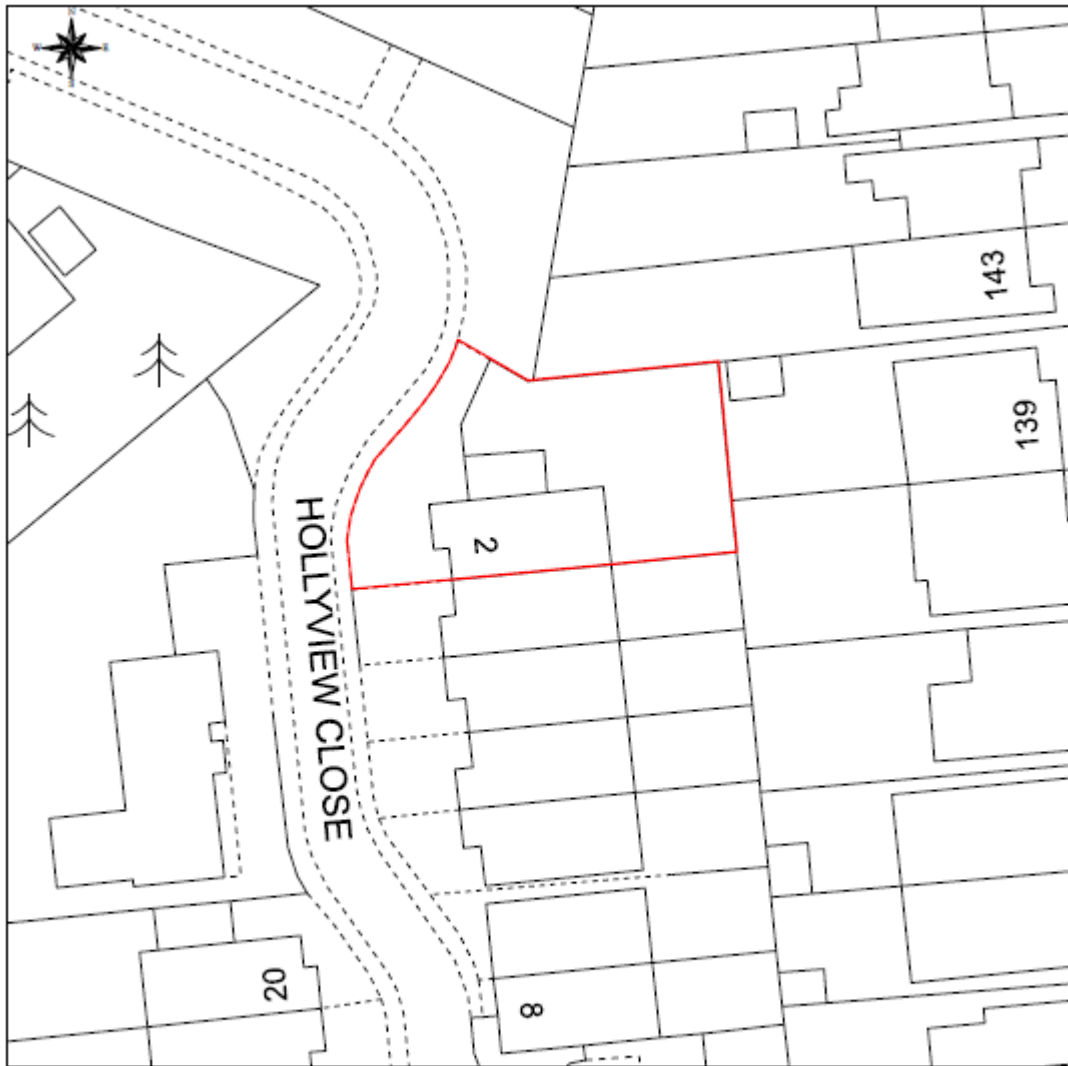
6. Equality and Diversity Issues

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

Having taken all material considerations into account, it is considered that the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. This application is therefore recommended for APPROVAL, subject to conditions.



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