

**Location** **27 Ashley Walk London NW7 1DU**

**Reference:** **22/0671/FUL** Received: 10th February 2022  
Accepted: 15th February 2022

Ward: Mill Hill Expiry: 12th April 2022

**Case Officer:** **Dominic Duffin**

Applicant: Mr Cavusoglu

Proposal: Demolition of existing dwelling. Erection of a three storey dwelling containing 3no self contained flats. Associated amenity space, refuse/recycling and cycle store

### **OFFICER'S RECOMMENDATION**

Refuse

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 proposal would result in the loss of a dwelling into flats in a road characterised by houses and consequently would harmfully increase noise and disturbance by virtue of increased coming and going and associated general activity and result in an over-intensive use that will have an adverse effect on amenity, contribute towards change in the function and character of the street and be out of character with the established pattern of development, contrary to Policies D3 and D14 of the London Plan (2021), Policies CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM02 and DM04 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted 2016) and the Sustainable Design and Construction SPD (adopted 2016)
- 2 The proposed development, by reason of its size, siting, bulk, height and design, would result in a discordant, visually dominant and overbearing development, which would fail to respect the appearance, scale, mass, height and pattern of surrounding buildings, to the detriment of the character and appearance of the application site and the street scene, contrary to Policy D3 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet Local Plan: Core Strategy (2012) and Policy DM01 of the LB Barnet Local Plan: Development Management Policies (2012)

- 3 The proposed development, by reason of its scale, height, design and siting, would have an imposing and overbearing impact, leading to an unacceptable loss of outlook, loss of daylight/sunlight and increased sense of enclosure to the neighbouring property at No 84 Oakhampton Road, to the detriment of the residential amenities of these neighbouring occupiers and contrary to Policy DM01 of the LB Barnet Development Management Policies DPD (2012), Policy CS5 of the LB Barnet Core Strategy DPD (2012), Policy D3 and D6 of the London Plan (2021) and the Sustainable Design and Construction SPD (2016)
  
- 4 No Preliminary Ecological Appraisal or Preliminary Roost Assessment has been undertaken and as such the Local Planning Authority is therefore unable to properly assess the likely presence/absence of protected species, including bats, and therefore any potential impact on protected species and their habitats. In the absence of detailed information it is considered that the proposed development could cause undue harm to protected species contrary to the duty conferred by Section 40 of the Natural Environment and Rural Communities Act 2006, policy CSNPPF of Barnet's Adopted Core Strategy (2018), as well as policies DM01 and DM16 of the Adopted Development Management Policies DPD (2012), and Policy G6 of the London Plan (2021)

**Informative(s):**

- 1 The plans accompanying this application are:

Location & Site Plans - A100  
Existing & Proposed Block Plans - A101  
Existing Ground Floor Plan - A102  
Existing Loft Floor Plan - A103  
Existing Roof Plan -A104  
Existing Section AA - A105  
Existing Front & Side Elevations - A106  
Existing Rear & Side Elevations -A107

Proposed Site Plan - A108  
Proposed Ground Floor Plan - A109  
Proposed First Floor Plan - A110  
Proposed Second Floor Plan - A111  
Proposed Roof Plan -A112  
Proposed Section AA - A113  
Proposed Section BB - A114  
Proposed Front Elevation - A115  
Proposed Rear Elevation - A116  
Proposed Side (North) Elevation - A117  
Proposed Side (South) Elevation - A118  
Proposed Street View - A119  
Details of Bin & Cycle Storages - A120  
3D Images

- 2 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant sought formal pre-application advice which was provided. Unfortunately the submitted scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

- 3 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

We believe that your development is liable for 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 first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

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

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is 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.

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

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; 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 any appeal being allowed, please contact us: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

## Relief or Exemption from CIL

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)
2. Residential Annexes or Extension: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.
3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk).

Please visit

[www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)  
for further details on exemption and relief.

## **OFFICER'S ASSESSMENT**

This application has been brought before the Committee as one of the objections received during the public consultation comes from a planning officer of the LPA.

### **1. Site Description**

The application site comprises a single-storey bungalow-style dwellinghouse situated on the eastern side of Ashley Walk, within the Mill Hill ward, set behind a deep grassed verge. The property is at the end of Ashley Walk, near the junction with Oakhampton Road. The site benefits from hardstanding to the front providing off-street car parking and a garden to the rear. The front elevation faces the tree lined boundary of Hendon Golf Club, which runs along the roadway of Ashley Walk. The Golf Course is within the Metropolitan Green Belt. The site is not within a conservation area, nor does it contain any listed buildings.

## **2. Relevant Site History**

Reference: 16/5866/191  
Address: 27 Ashley Walk, London, NW7 1DU  
Decision: Unlawful  
Decision Date: 11 October 2016  
Description: Single storey side extension

Reference: 17/3508/FUL  
Address: 27 Ashley Walk, London, NW7 1DU  
Decision: Approved subject to conditions  
Decision Date: 7 August 2017  
Description: Single storey side extension (Retrospective Application)

Reference: 21/8073/QCD  
Address: 27 Ashley Walk, London, NW7 1DU  
Decision: Pre-application advice issued  
Decision Date: 05 May 2021  
Description: Proposed redevelopment of site with erection of a 3 storey building which will accommodate 3 x self-contained residential units.

## **3. Proposal**

Consent is sought to demolish the existing dwelling and replace it with a new three storey building which would provide 3 No. residential flats (1 x one bedroom, 1 x two bedroom, and 1 x three bedroom).

The building would be finished in brick on the ground and first floor, with cladding features, with a set-back upper floor finished in cladding. The building would have a flat roof. The access to the building would be from a communal front entrance.

A sub-divided amenity area to serve each unit would be provided to the rear, with one parking space and refuse storage and cycle parking provision provided to the front.

## **4. Public Consultation**

Consultation letters were sent to 28 neighbouring properties. 32 responses were received comprising 32 letters of objection. The response received can be summarised as follows:

- The properties are semi detached houses and flats would not be in keeping with the style of the road.
- There is limited parking and the construction phase would create considerable disruption.
- Inadequate parking -A further problem is that as a street becomes congested with parked cars.
- Loss of daylight/sunlight to adjoining neighbours.
- Overlooking of neighbouring properties causing loss of privacy.
- Design is out of character with the area, a flat roof will look out of place.
- The building of a block of flats is not in keeping with the existing houses in the area which are all of a semi detached suburban nature
- Over-development of the site.
- Pollution -Increases vehicle emissions and noise in the quiet residential area.

- There are enough flatted developments in Mill Hill.
- The loss of the only bungalow in this area would be discriminatory to any future disabled or elderly person searching for a single level easy access home in the area
- The proposed building would be obtrusive to the area.

Comments have been received from No.84 Oakhampton Road, the occupant of this property is a Planning Officer within the Planning Department of Barnet Council. The comments received were as follows:

- The three storey building would block our natural light and we would be looking at a blank wall and black cladding from our habitable rooms at the back of our house.
- The enjoyment of our garden would be compromised by lack of privacy from the balconies if residents have access to the roofs.
- The design is obtrusive and not in keeping with the properties on Ashley Walk or Oakhampton Road.
- There are no blocks of flats in the immediate area and this building will be an anomaly.
- Increase on street parking near this corner site could cause impact on car and pedestrian safety.
- Three flats would lead to lots of coming and going compared to the existing amount of people that could live in the chalet bungalow.
- The land housing the property was part of no. 84 Oakhampton Road, therefore limited distance lays between both dwellings with the side of the bungalow being almost built up to the rear boundary of our house. Due to this close proximity and not having opaque rear windows as these facilitate light and outlook, the bulk is considered to block natural light and lead to loss of outlook.
- The mass and bulk of the extension along with the incongruent materials, further detracts from the character of the immediate and area.
- The lack of parking would have a detrimental impact on Highways due to the intermittent CPZ on the immediate and general area during match days at Saracens Rugby Club. With existing parking pressures, extra parking from the proposed flats is considered unacceptable. Future occupiers would have to park on the street. The property is set on a blind corner. Vehicle accidents have happened on this corner and any further on street parking could lead to detriment of car and pedestrian safety.
- The character of the area is mainly single family dwelling houses and a block of flats would be contrary to the character.
- The planning history for both Ashley Walk and Oakhampton Road online at [www.barnet.gov.uk](http://www.barnet.gov.uk), lists one application for conversion of the single family dwelling into two flats under reference W07906, refused in 1986. All other applications are mainly to facilitate proportionate extensions at the single family dwellinghouses on both roads. Therefore, the principle of flats is considered out of character with the immediate and general locale.
- With regards to the design, character and appearance of the proposed building, it is considered bulky, incongruous and out of character with the area. It's height and flat roof is at odds with the neighbouring properties on these roads. The proposed green roofs appear to be an after-thought which cannot be utilised by future occupiers. Its' use would lead to further overlooking and loss of privacy.
- When viewed from the rear elevation and garden of no. 84 Oakhampton Road, the flank wall of the proposed property at no. 27 Ashley Walk, would result in loss of light, overlooking and loss of privacy. It would be overbearing and unduly obtrusive.
- Loss of outlook would be caused to the habitable rooms upstairs and downstairs including the bedrooms and dining room situated at the rear of no. 84. The Block drawings submitted are considered to be misleading due to the size of no. 84 Oakhampton Road appearing smaller and further away from no. 27, than what exists.

-The proposed building could have an obtrusive impact on no. 26 Ashley Lane due to its size and siting.

-Furthermore, with a lack of onsite parking provision, future occupiers may be tempted to park on the bend where Oakhampton Road and Ashley Walk meets, outside no. 27 Ashley Walk and no. 84 Oakhampton Road. It should be noted that it is a 'blind spot' where car accidents have happened; with one such accident knocking down the dwarf wall and front retaining garden wall at no. 84. This bend is in close proximity, opposite the pedestrian entrance of the bridleway leading to the pedestrian entrance of Hendon Cemetery and Crematorium, within the greenbelt. It is also an informal entrance to Hendon Golf club, within the greenbelt, which is directly opposite no. 27 Ashley Walk and no. 84 Oakhampton Road-leading to Ashley Lane via the walkway. This also leads to further excess parking on both roads - but usually directly opposite 84 Oakhampton Road.

Therefore, further parking near to the properties could adversely impact drivers and pedestrian safety.

## **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 22) 2021

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents 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 and the stage that it has reached.

## 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;
- Green Belt
- 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 application follows a pre-application submission as detailed in the planning history above. Under the Advice Note issued on 05 May 2021, the response cited concerns with regards to the development of a block of flats at this location, with particular concern relating to the character of the area, the amenity of adjoining neighbours and issues relating to car parking requirements to serve the development's occupants.

Both Ashley Walk and Oakhampton Road consists entirely of single family dwellinghouses.

The Council recognises that flat developments can make an important contribution to housing provision, in particular providing smaller units, and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

Within Chapter 2 of the Core Strategy, which is a material consideration in the determination



of this application, the Council state the following: "The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or streets but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flatted accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate."

Policy DM01 of Barnet's Local Plan Development Management Policies DPD states that proposals should be based on an understanding of local characteristics. Criterion (h) of the same policy states that the conversion of dwellings into flats in roads "characterised by houses" will not normally be appropriate. Criterion (i) states that loss of houses in roads characterised by houses will not normally be appropriate.

Under pre-application discussions the council raised concern that the proposed flatted use would be out of keeping with the established character of the area and would set a harmful precedent for conversions on Ashley Walk. It is therefore considered that the development of a flatted scheme would be out of character, resulting in an intensification in use which would cause harm to this established character.

The proposed flatted use would not be in keeping with the established character of the area. The increased comings and goings, requirements for parking, refuse storage, deliveries, and other associated impacts would be detrimental to the local character.

Ashley Walk and Oakhampton Road have a strong identifiable character which consists of single-family dwellings arranged in a block system. This is a characteristic of the area which is worthy of preservation. This could not be achieved with the introduction of a flatted development which would appear discordant and distinctly out of character. The general principle of the scheme cannot be accepted.

### Character and appearance

The NPPF attaches great importance to the design of the built environment, stating that, The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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. (para.126).

Policy D3 of the London Plan 2021 - "Optimising site capacity through the design-led approach" requires, amongst other things, an optimisation of site capacity through a design-led approach and to 'enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions' and responding to 'the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character'.

Policy D.3 further states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site.

Core Strategy Policy CS5 seeks to protect and enhance Barnet's character to create high quality places.

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.

As detailed above, the council acknowledges the role that flatted development can play in the provision of housing for residents of the borough. The council will also look for opportunities to optimise the capacity of a site, and to ensure that previously developed land is utilised, where possible, to increase housing supply.

However, a fundamental consideration will be how any new development would assimilate into the existing character of an area. The area around the site has a strongly identifiable character of single family dwellinghouses, almost exclusively two storey, save for the application site, and the block system and adjacent Golf Club has a sub-urban character that is easily identifiable. Flatted development are more commonplace in the wider Mill Hill Area, often standalone developments on main roads, or the redevelopment of large scale sites, such as along the Ridgeway and Bittacy Hill, where multiple unit schemes e.g. Millbrook Park and Ridgeway Views create their own separate character.

The application site is a single storey structure, its reduction from two storey, owing to its original development on garden land. It does therefore differ to some degree from the two storey properties that prevail. However, the more confined site, is developed to ensure deference to the established character, and the building offers a discreet, subordinate divergence to the established streetscene.

The introduction of a three-storey building on this confined site, would offer a strident divergence to this established character. There is further divergence in the design of the building. Its overall height and finish, including a flat roof to the set-back third floor, which also uses contrasting cladding materials, would appear stark and out of place. It would contrast with the form and appearance of properties in the surrounding area. The introduction of a three-storey building in this location would be a discordant and incongruous feature within the streetscene and would be detrimental to the local character. Additionally, the cycle and refuse stores at the front would result in a cluttered forecourt to the detriment of the streetscene.

The subdivision of the rear garden into three small areas with additional boundaries treatments would also be contrary to the established pattern of development of the area and the sense of spaciousness at the site.

Whilst set in a different context this building may be viewed as a fairly conventional flatted scheme, context and setting are often a critical and fundamental consideration, the setting of this site goes to the heart of the analysis of this application. The proposed scheme would cause harm to the character and appearance of the wider streetscene and this is an inappropriate development at this location which would appear out of place.

## Green Belt

The site is opposite the boundary to the Metropolitan Green Belt, at this location this takes the form of Hendon Golf Club's course, which is opposite the site. Para. 138. of the NPPF outlines that the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Given the development would be contained within the site, and would be viewed in the context of wider development, albeit it would appear much more imposing, it is not considered the above aims would be significantly offended. Therefore, it is not considered the proposal would have any appreciable adverse impact on the openness of the Green Belt and the open character at this location would still be maintained; secured through the existence of Hendon Golf Club's open character.

## **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 existing dwelling was developed from part of the garden serving No.84 Oakhampton Road, and given the confines of the site, this goes some way to explaining the single storey nature of the dwelling. The flank wall is 1.0m from the common boundary and above this is a low set roof that pitches away from the boundary. Given the orientation of the sites, the rear garden area of No.84 abuts the flank boundary of the application site. The rear elevation according to submitted plans, is located 10.0m from the boundary, the distance, as per council records, suggest a circa 8.7m distance to the boundary. The boundary is demarcated with a screen of hedging.

The introduction a three-storey building within 1 metre of this boundary and given the proximity to the boundary and to rear-facing windows of the neighbouring property, it is considered that the building would appear imposing and result in a loss of light and outlook to the neighbouring occupiers.

The existing screening, currently of value, owing to the single storey nature of the existing building, would be of no benefit in screening a three-storey building. There would be significant overshadowing of the garden area and rear facing windows in the later part of the day. The development of a block of flats in this proximity would be an unneighbourly form of development, which would have a highly detrimental impact on the existing amenity levels currently enjoyed by occupants of this property. This impact would be material and represents another concern with this proposed development.

No.82 Oakhampton Road, located to the east, adjacent to No.84, shares a common

boundary with the rear of the site, the lower section of the garden's side boundary adjoins the rear boundary of the application site. Whilst the separation distance to the boundary is 7.0m - 10.3m, an infringement if the 10.5m guidance distance, the rear elevation would look towards the bottom section of the site and it is considered, on balance, any impact would be acceptable.

The ground floor rear corner of the building would extend 2.6m beyond the rear elevation of No.26 Ashley Walk, located adjacent to, and north of the site, the first floor 0.30cm beyond the rear corner. This extension beyond the building line would not be overbearing and there would be no serious impact on the light received to rear facing windows. The existing garage at No.26 provides a buffer to the main living quarters of the house.

A window at first floor level could be reasonably conditioned as obscure glazed. A further condition would be required to ensure the sections of the ground and first-floor roof, was not used as a balcony by occupants of the first and second floor flats. This would result in serious overlooking, but could be restricted by condition.

The introduction of a flatted use, which would entail a greater level of activity and intensity of use at the site, would result in increased noise and disruption to adjacent neighbouring occupiers, particularly those at 25 Ashley Walk and 84 Oakhampton Road. The subdivision of the garden into three areas of private amenity space would entail a more intense use of this space, also to the detriment of neighbouring amenity.

## **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 11.5m<sup>2</sup> 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:

3-bed/4-person - 74 sq. m

2-bed/3-person - 61 sq. m

1-bed/2-person - 50 sq. m

The units meet the requirement;

- Flat 1: 3-bed/4-person, 83.2 sqm;
- Flat 2: 2-bed/3-person, 61.5 sqm;
- Flat 3: 1-bed/2-person, 50.2 sqm.

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 m<sup>2</sup> and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m<sup>2</sup> 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. All units are dual aspect. The scheme provides a good standard of outlook for future residents.

Amenity Space:

The Sustainable Design and Construction SPD advocates that suitable outdoor amenity space should be provided for all new residential units. The SPD specifies that 5sqm of outdoor amenity space should be provided per habitable room. A room measuring 20m<sup>2</sup> or more is calculated as two habitable rooms.

The proposal shows a rear garden space of 90sqm, sub-divided to provide three separate private amenity areas.

All units would be served by a reasonably sized, usable, external amenity space, albeit there are character concerns with regards to this sub-division.

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:

### **Car Parking**

The site lies within a PTAL 0 zone, which is the worst public transport accessibility rating. 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 4.5 spaces. Therefore, the proposed provision of 1x space means an under-provision of 3.5 spaces. The applicant has not provided any justification for this under-provision.

Highways will therefore require that a car parking survey be carried out in line with the Lambeth Methodology in order to ascertain whether there is sufficient availability on the surrounding streets to accommodate the potential over-spill of 3.5 spaces.

In light of these comments, the applicant has provided a Parking Stress Survey, using the Lambeth methodology.

85% is an indicative level at which parking stress becomes a cause for concern after allowance has been made for parking generated by the development. At this point, residents will begin to have difficulty parking close to their homes. Anything over 95% represents a situation where full capacity has effectively been reached. The use of a 200 metres walking distance to define the roads affected by the development is accepted as standard practice.

The surveys took place between 01:00am and 05:30am on Tuesday 23rd and Wednesday 24th of February 2022.

The day 1 result at 54.12% and day 2 result at 52.06% gives an average stress of 53.09%, reflecting an average of 92 unoccupied spaces.

Highways commented on the survey as follows;

*The applicant has provided the results of a car parking survey conducted in line with the Lambeth Methodology on Wednesday 23rd and Thursday 24th of February 2022. The results of the survey demonstrate that there is currently an average on-street car parking stress level of 53%. This means that there appears to be sufficient availability on street to accommodate the potential over-spill of 3.5 spaces. Off-street car parking arrangements are proposed to remain as existing, the only change is the potential for an increase to on-street car parking stress, which has been justified by the results of the car parking survey. Highways therefore have no grounds for objection to this proposal in terms of highways.*

It is considered that the parking requirement generated by the development could be accommodated within the surrounding streets and would not lead to a position of local parking stress.

The London Plan espouses maximum parking standards, the requirement for this development would be a maximum of 4.5 spaces. Opportunities to reduce car dependency should however be sought. Therefore, the proposed 1 parking space, given on street capacity, can be accepted.

The applicant is proposing to make provision for 4x secure cycle parking spaces. Cycle parking needs to be provided in accordance with the requirement of the London Plan cycle parking standards. Cycle parking should be provided in a secure, covered, lockable and enclosed compound. Also, the type of stands used must allow both wheels and the frame of the bicycle to be locked.

## **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 and the waste strategy for this application is acceptable to the Street Scene collections team.

## **Trees and Landscaping**

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that trees should be safeguarded and that proposals will be required to include hard and soft

landscaping. This policy also states that when considering development proposals, the Council will seek the retention and enhancement, or the creation of biodiversity.

There are no protected trees on site, and limited vegetation owing to the tight confines around the building. The proposal offers limited enhancement opportunity through planting, and this would add to the stark appearance of a flat development. There are fundamental concerns with this proposal but details of hard and soft landscaping could be secured by condition as some form of mitigation.

## **Ecology**

No ecological surveys have been undertaken at the application site. The ecologist has commented on the application and stated;

*"It is established under Defra circular 08/2006 that the presence of a protected species is a material consideration within the planning decision process and that Planning Authorities have a duty under Section 41 of the NERC Act 2006 to have confidence in undertaking your duties within the decision process that no detriment to biodiversity is incurred.*

As no ecological information to support the application has been provided, and the proposed plans require the demolition of a building and land take of habitats the council are unable determine whether the proposals could result in impacts to protected species or assess to assess the likely impacts of the proposals may have on biodiversity. Without such information it cannot be determined if the proposals achieve sustainable development as required by the National Planning Policy Framework (NPPF). Therefore, a Preliminary Ecological Appraisal (PEA) should be undertaken in accordance with CIEEM (2017) guidelines. Surveys should be undertaken by a suitably qualified and experienced ecologist. The existing dwelling is to be demolished and therefore we would also expect a Preliminary Roost Assessment to be undertaken.

These surveys should be completed, together with any further surveys as dictated by the findings of the PRA and PEA; and reported to the Local Planning Authority (LPA) for review along with any required mitigation, prior to determination. The application should not be determined in the absence of this material, and protected species surveys cannot be conditioned. It is worth noting that the last -minute discovery of a protected species at any time is a consideration and the presence of planning permission does not override this legality.

Guidance within Circular 06/2005 - Biodiversity and Geological Conservation - Statutory obligations and their impact within the planning system advises the presence of a protected species is a material planning consideration. The Circular clearly outlines that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted. In the absence of even a preliminary appraisal potential impacts on protected species, particularly bats, cannot be ruled out.

This forms another concern with regards to the proposal, whilst the applicant was advised of this requirement early in the process no surveys were provided, and as the recommendation is to refuse consent for other reasons, the absence of surveys form another reason for refusal.

Potential for ecological enhancement does exist and it is noted a green roof is proposed.

### Accessibility and Sustainability

The application scheme is required by Policy D7 of the London Plan (2021) to meet Building Regulation requirement M4(2), a condition, in the event of a recommendation for approval, would be attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the scheme has to be designed to achieve a 10% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy SI(2) of the London Plan (2021) and a condition, in the event of a recommendation for approval, would be attached to ensure compliance with these Policies.

In terms of water consumption, a condition, in the event of a recommendation for approval, would be required for 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 S.I 5 of the London Plan (2021).

## **5.4 Response to Public Consultation**

Most issues have been dealt with above.

-Pollution -Increases vehicle emissions and noise in the quiet residential area.

Officer Comment: Controls through planning conditions would limit pollution output during construction. It is not considered that the addition of 2 dwellings would seriously rise local pollution levels.

-The loss of the only bungalow in this area would be discriminatory to any future disabled or elderly person searching for a single level easy access home in the area

Officer Comment: it is not considered that the loss of this unit would be discriminatory, and this concern would not amount to a sustainable reason to refuse permission. Policy DM08 points to a medium priority for 3-bedroom units. The site would retain a 3 bed unit as part of the redevelopment.

The lack of parking would have a detrimental impact on Highways due to the intermittent CPZ on the immediate and general area during match days at Saracens Rugby Club. The property is set on a blind corner where car accidents have happened.

Officer Comment: The submission has been reviewed by the Highways Department who raise no highway safety issues. The submission of a Parking Stress Survey demonstrates available on street parking to serve the development.

## **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 unacceptable impact on the character and appearance of the application site, the street scene and the locality and would be harmful to the amenity of neighbouring occupiers. No account has been taken to the potential presence of protected species. This application is therefore recommended for REFUSAL

