

**Location** 26 Oaklands Road London N20 8AX

**Reference:** 22/0453/FUL Received: 28th January 2022  
Accepted: 28th January 2022

Ward: Totteridge Expiry 25th March 2022

**Case Officer:** Zakera Matin

Applicant: Mr R Calliste

Proposal: Demolition of existing dwelling and erection of a two storey dwellinghouse with integral garage and basement

### **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:

- 1619.P3.01 Revision A
- 1619.P3.02 Revision B
- 1619.P3.03 Revision C
- 1619.P3.04 Revision A
- 1619.P3.05 Revision B
- Preliminary Roost Assessment (February 2022)
- Preliminary Ecological Appraisal
- Arboricultural Impact Assessment
- Design and Access Statement

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 Before the building hereby permitted is first occupied the proposed window(s) in the east and west elevation facing no.27 and no.24 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. The garage door on flank elevation should be obscured glazed or made of opaque material.

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).

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

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

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

- 5 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be 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 the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in The London Plan (2021) and in the interests of

promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 6 Prior to occupation of the development, existing parking spaces and the access to the parking area from public highway shall be retained in accordance with the submitted planning application. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnets Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 7 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.

- 8 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.

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

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

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

- 10 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 the London Plan 2021.

- 11 a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with details approved under this condition.

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

- 12 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.
- b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

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

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

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

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

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

- 15 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 the London Plan 2021 and the 2016 Mayors Housing SPG.

- 16 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 2013 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), the London Plan (2021) and the 2016 Mayors Housing SPG.

- 17 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).

- 18 a) Before the occupation of the development, a lighting strategy must be designed and used to minimise impacts on bats and their insect food. All exterior lighting should follow the guidance of the Bat Conservation Trust advice is at <http://www.bats.org.uk/>. The lighting strategy should be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in full accordance with the details of the lighting strategy as approved under this condition prior to the first occupation and retained as such thereafter

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012); the Sustainable Design and Construction SPD (adopted October 2016); and Policy G6 of the London Plan 2021.

- 19 The development shall be implemented and thereafter maintained in accordance with the recommendations made within the Preliminary Bat Roost Surveys Report.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012); the Sustainable Design and Construction SPD (adopted October 2016); and Policy G6 of the London Plan 2021.

### **Informative(s):**

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

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

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

The Council has approved the new CIL charging schedule and that it will come into effect on Friday 1st April. This means that any liable planning decisions issued on or after 1st April will pay £300 a square metre rather than £200. Employment uses will also be charged £20 a square metre.

<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>

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

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

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

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

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

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form



available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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

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

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

Please visit

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

- 3 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Councils refuse collection department is consulted to agree a refuse collection arrangement.
- 4 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be extraordinary traffic for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

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

highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail [highways.development@barnet.gov.uk](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 5 Any gates must open inwards and not out onto the public highway for health and safety reasons.
- 6 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

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

## **OFFICER'S ASSESSMENT**

The case is forwarded to committee because of number of objections received.

### **1. Site Description**

The application site is located on the north side of Oaklands Road. The area is characterised by two storey detached properties. The rear gardens are of varying depth. The site is occupied by a two storey detached dwelling, which is set back from the road. The rear garden is at a lower level and features a swimming pool. The site is located within Totteridge conservation area and there are TPO trees on site.

Neighbouring two storey detached property no.24 sited to the west and separated by an access road leading to No.25. Neighbouring single storey No.25A and B are sited to the

rear of no.24 and on the west side of the subject site. This site was previously occupied by a bungalow, Ranch House, 25 Oaklands Road which was demolished and existing bungalows were built. Neighbouring two storey detached property No.27 is sited to the East of the subject property and sited on a higher ground level.

## **2. Site History**

Reference: 19/6571/FUL

Address: 26 Oaklands Road London N20 8AX

Decision: Refused

Decision Date: 14.02.2020

Description: Demolition of the existing house and erection of 2no. detached two storey dwellinghouses. Associated amenity space, refuse storage and off-street parking

Appeal dismissed: 08.06.2021

Reasons for refusal:

The introduction of House B situated in the rear garden would be unacceptable in principle and would fail to reflect the spatial pattern of development in the immediate area and would fail to preserve and enhance the character and appearance of Totteridge Conservation Area contrary to the National Planning Policy Framework 2012, London Plan 2016 Policy 7.3, Core Strategy Policies CS1 and CS5, Development Management Policy DM01, DM06, Totteridge Conservation Area character appraisal and Residential Design Guidance SPD (October 2016).

The proposal by reason of it's unsympathetic design, loss of protected trees, siting of house B in the backgarden of the site, its close proximity to the neighbouring rear gardens, would be out of keeping with the established character and spatial pattern of development, which would result in an incongruous and intrusive form of development and would fail to preserve the character and appearance of this part of Totteridge conservation area and established pattern of development, contrary to policies in the National Planning Policy Framework, Policy 7.4 of the London Plan (2016), DM01 and DM06 of the Development Management Policies Development Plan Document (September 2012), Policy CS5 of the Local Plan Core Strategy (September 2012), and contrary to the Local Plan Supplementary Planning Document Residential Design Guidance (2016), Sustainable Design and Construction SPD (2016) and Totteridge conservation area character appraisal.

The proposed houses A and B by reason of their siting and back to back positioning and close proximity to the adjacent neighbouring rear gardens would result in unacceptable levels of overlooking and result in subsequent loss of privacy which would be detrimental to the residential amenities of the future occupiers of the proposed houses and the existing neighbouring occupiers, contrary to policy CS5 of the Barnet Local Plan Core Strategy (Adopted September 2012), policies DM01 and DM02 of the Local Plan Development Management Policies DPD (Adopted September 2012), Supplementary Planning Document Residential Design Guidance (2016) and Sustainable Design and Construction SPD (2016).

Reference: N01205P

Address: 26 Oaklands Road London N20 8AX

Decision: Approved subject to conditions

Decision Date: 12.05.1976

Description: Conservatory at rear above basement extension.

Reference: 15/00727/FUL

Address: Ranch House, 25 Oaklands Road, London N20 8AX.

Decision: Approved subject to conditions

Decision Date: 02.04.2015

Description: Demolition of existing bungalow and erection of 2no. single storey bungalows including rooms in roof space, hard/soft landscaping and refuse/recycling facilities

### **3. Proposal**

The application seeks permission for demolition of existing dwelling and erection of a two storey dwellinghouse with integral garage and basement.

The proposal would be traditional in design similar to neighbouring properties to the west. The main part of the proposed dwelling would have a width of 13m, depth of 15 and maximum height of 9m at ridge. The dwelling would feature a crown roof. The front elevation would feature 2 identical two storey front projections with hipped roof. Entrance is provided at the centre through a stone portico. There would be an attached side garage 3.9m wide and 3.6m high with flat roof. The proposed front building line would be 3.8m forward of the existing building line.

Rear elevation would feature 3.3m high single storey rear projection with flat roof, two storey rear projection with hipped roof, 1.8m high and maximum 4m deep raised terrace and a basement.

The proposed ridge height of the dwelling would be 0.4m lower than the ridge of neighbouring no.27. It would sit on 1m lower ground level than no.27. The proposal would be sited on the existing side building line along the boundary with no.27 and would maintain a 2m gap from the flank wall of no.27. The proposal would sit 0.9m forward of the front building line of no.27.

The proposal would be sited 1.5m from the side boundary on the side of no.24 and maintain a 8.9m gap with the flank wall of that property. The front building line would be at the same line as no.24. No.24 is sited on a lower ground level.

### **4. Public Consultation**

Consultation letters were sent to 22 neighbouring properties.

7 objections received as below:

- Basement Impact Assessment Report must be carried out. It would adversely impact neighbouring homes/gardens.
- Basement construction which could give further drainage problems.
- The proposed dwelling due to ridge height higher than no.24 would be detrimental to the street view and to the Conservation Area.
- The new proposal would bring forward the building line.
- Significant loss of light to rear patio at no 27, the proposed terrace will cause significant overlooking into the garden, patio and windows of the habitable room at no 27, the proposed rear projection of no 26 would be a dominant feature as seen from the garden, rear patio and rear windows of no 27, would result in significant loss of outlook and an increased sense of enclosure.
- The design of this new house is not sympathetic to the street scene in Oaklands Road

and it will not conserve or enhance the conservation area.

- Overlooking and privacy impact for neighbouring properties numbers 27,24, 23.

## **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 revised National Planning Policy Framework (NPPF) was published in July 2021. This is a key part of the Government's 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.

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

Relevant London Plan Policy: D1, D4, D6, D7, T5, T6, SI 2, SI 5.

#### 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, CS9, CS13.

- Relevant Development Management Policies: DM01, DM02, DM04, DM06, 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 DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The

development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

## Barnet's Local Plan (Reg 22) 2021

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.

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- 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.
- Provision of suitable accommodation for future occupiers
- Provision of waste recycling and cycle parking
- Sustainability and Accessibility
- Highways and parking.
- Ecology
- TPO trees

## **5.3 Assessment of proposals**

The current proposal addressed the previous reasons for refusal under 19/6571/FUL.

### Impact on the character and appearance of the existing site, street scene and wider locality

Policy CS5 Protecting and enhancing Barnet's character to create high quality places' seeks to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design. Policy DM01 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 NPPF supports this and stipulates that planning decisions should not attempt to

impose architectural styles or particular tastes and they should not stifle innovation but instead development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

Policy CS5 states that, " We will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design."

Policy DM06 states that, Development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet. Conservation Areas are defined as areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. If a site lies within a Conservation Area or is located nearby, planning permission will not be granted where development proposals neither preserves nor enhances the character or appearance of that area.

SPD Residential design guide in paragraph 6.12 states that, "Proposals for new residential development should respond to the distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context."

Paragraph 6.13 goes on to state that, "New development should recognise the scale, massing and roof form of surrounding buildings and reflect these where they are a positive attribute of the area's character. Consideration should be given to the grouping of buildings, roof pitches, the detailing of eaves and gables, chimney stacks and the size/siting of any dormer windows. New development should reflect the existing building lines and rhythm of the street."

It further states that, "great care should be taken when incorporating contemporary design into the existing urban fabric. New and old buildings can co-exist without negatively influencing the character of the area, but new development should always sit comfortably with its neighbours."

It is noted that, no.26, 27, 28 and no,1 along this part of Oaklands Road are similar in architectural style. They feature horizontal linear quality in the built form. The front elevations are also similar in fenestration, use of material, shallow pitched roofs, end gable and attached garage. It is noted that neighbouring property no.24 on the west is a recent redevelopment and dwellings further down the road are different in architecture style.

The proposal would be traditional in design similar to neighbouring properties.

The main part of the proposed dwelling would have a width of 13m, depth of 15 and maximum height of 9m at ridge. The dwelling would feature a crown roof. The front elevation would feature 2 identical two storey front projections with hipped roof. Entrance is provided at the centre through a stone portico. There would be an attached side garage 3.9m wide and 3.6m high with flat roof. The proposed front building line would be 3.8m forward of the existing building line.

Rear elevation would feature 3.3m high single storey rear projection with flat roof, 2 storey rear projection with hipped roof, 1.8m high and maximum 4m deep raised terrace and a basement.

The proposed ridge height of the dwelling would be 0.4m lower than the ridge of neighbouring no.27. It would sit on 1m lower ground level than no.27. The proposal would be sited on the existing building line along the boundary with no.27 and would maintain a

2m gap from the flank wall of no.27. The proposal would set 0.9m forward of the front building line of no.27.

The proposal would be sited 1.5m from the west boundary on the side of no.24 and maintain a 8.9m gap with the flank wall of that property. The front building line would be at the same line as no.24. No.24 is sited on a lower ground level.

The street features varied Architectural style. It is noted that the proposal is similar to the proposed front dwelling A under 19/6571/FUL where the inspector mentioned in the appeal ref: APP/N5090/W/20/3250121 that, "The appeal relates to a large detached dwelling which sits within a generous plot. It is located within a residential road which is home to a variety of dwellings in terms of their size, designs and external finishes. This variety makes a positive contribution to the overall character and appearance of what is a pleasant street scene. It is located within the Totteridge Conservation Area (CA); although I note the Totteridge Conservation Area Character Appraisal (TCACA) describes Oaklands Road as an area of 'limited merit'."

The inspector further mentioned that, "The existing dwelling is one of a small group of substantial 1970s style dwellings. They are not identical and although well maintained, they are of limited architectural merit. The proposed replacement dwelling would be taller than the existing dwelling, but not significantly so. I am also mindful that the nearby houses have a variety of ridge heights. Bearing in mind the mix of houses found locally, I am satisfied that the proposed replacement dwelling would sit comfortably on the plot whilst its size, scale, detailing and finishing materials would be appropriate to the existing street scene." "For the above reasons, I find that although Dwelling A would at least preserve the character and appearance of the local area including the CA."

It is noted that the current proposal would be similar in scale, footprint and design as the dwelling A of the previous scheme under appeal APP/N5090/W/20/3250121. The previous proposal has a similar height of 9m, width of 13 m and total depth of 15m. This appeal decision is a material consideration for the assessment of the current proposal.

It is noted that the front building line of the proposed dwelling would project more than the previous appeal scheme, however, that projection is not significantly different and would not make the proposal dominating in the street scene. It is further noted that the proposed width of the main part of the dwelling would be 3.6m less than the existing dwelling and 1.7m less than the neighbouring dwelling no.27. The proposed ridge height of the dwelling would be 0.4m lower than the ridge of neighbouring no.27. Therefore the proposal would not appear overbearing or dominating when seen against no.27.

The proposed dwelling would be sited 8.9 m away from the neighbouring no.24 and maintain the same front building line. It is noted that no.24 is sited at lower ground level and features a lower ridge height. Though the proposed ridge height would be higher than no.24, it is noted that existing building on site also has higher ridge height than no.24. Furthermore, the proposal would maintain more gap with no.24 than the existing building on site. In this context the proposal would not appear significantly dominating and overbearing than existing when seen against no.24.

Paragraph 6.11 of the SPD states that, "The amount of set back should be determined by the surrounding character and road hierarchy. In case of infill areas, replication of existing pattern of set backs should be taken into account." The proposal would maintain sufficient gap with neighbouring no.27 and 24. The proposed set back from the side boundaries would comply with the guidance contained in SPD Residential Design Guide (2016).



It is noted that the proposal features an attached side garage which is different from the previous appeal scheme. However, because of acceptable scale of 3.9m width and 3.6m height with flat roof, it is considered proportionate addition to the side of the main dwelling.

Council's conservation officer was consulted on the proposal, the officer suggested sympathetic fenestration to respect the conservation area. It is noted that houses along the road feature varied fenestration from traditional shah window to clear glazed window. Existing property and adjacent neighbouring properties feature clear glazed windows. In the similar appeal case the inspector did not consider that the clear glazed fenestration would have detrimental impact on this part of conservation area. Therefore, the proposed clear glazed fenestration is not considered to have significant detrimental impact on this part of conservation area.

SPD Residential Design Guide states that, "The council seeks to ensure that basement development does not harm the established architectural character of buildings and surrounding areas, including gardens and nearby trees, and that no adverse impact is caused to the amenity of neighbouring properties."

Often with basement development, the only visual manifestations are accepted as light wells and skylights, with the bulk of the development concealed wholly underground and away from any public view. It further states that, the length of any visible basement wall should not dominate a property nor extend its full width.

The proposal includes a basement and it would feature glazed doors. The proposed basement would be mostly concealed under the proposed ground floor level and because of sitting below ground level the glazed doors would not be prominent when viewed from the rear.

It is noted that the existing building features a raised patio at the rear and a lower ground floor level at the rear of the existing garage. The proposal rear terrace and basement would be similar to the previous appeal scheme, where the inspector did not think that these elements of the proposal would have any detrimental impact on the character of the Conservation area.

Overall, it is considered that the replacement dwelling would sit comfortably within the site and street scene and would relate well with the neighbouring properties due to acceptable scale, design and adequate separation gap from the side boundaries and neighbouring dwellings. It is not considered that the proposal would have any detrimental impact on the character along the street and the conservation area.

#### Impact on the amenities of neighbours

Policy DM 01 states that, Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

It further mentions 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 boroughs residents."

The two storey rear building line of replacement dwelling would project 1.6m beyond the two storey rear building line of neighbouring dwelling no. 27 and it would be sited 2 m away from the two storey flank wall of no.27. The single storey element would project 1.2m from the rear wall of the dwelling. In this context, it is not considered that the proposal would have overshadowing and overbearing impact for the occupiers of no.27.

The rear raised patio would have a maximum depth of 4m and would be 1.8m high. It is noted that existing rear terrace is 1.8m high from the lower garden level. Neighbouring property no.27 is sited at 1m higher ground level than the subject property. The proposed rear raised patio would have same height as the existing rear terrace and considered not to have any additional overlooking or privacy impact for the rear patio area of no. 27.

The two storey flank wall of the dwelling would keep a 8.9m gap from the flank wall of no.24 and would be separated by an access road. In this context, the proposal is considered not to have any overshadowing or overbearing impact for occupiers of no. 24 because of sufficient separation gap.

It is noted that, there are windows in the flank wall of the proposal facing no.24 and 27, serving stair and bathroom. Conditions are attached requiring them to be obscured glazed and non-opening 1.7m above the finished floor level to prevent any overlooking for the neighbouring occupiers. The garage door in the flank wall is conditioned to be obscured glazed or made of opaque material.

SPD Residential Design Guide mentions that, lightwells or skylights should be located away from the property boundary. They should be proportionate to the building they relate to. The proposal includes basement with glazed basement doors. This would be sited more than 2m away from the common boundary with neighbouring property no.24 and 27 and not considered to cause any detrimental impact for the neighbouring occupiers.

It is noted that the previous similar scheme for house A under 19/6571/FUL was not refused on grounds of amenity impact for no.27 and 24 in terms of overbearing, overshadowing or privacy.

The relationship with property no.25A at the rear would be similar to the existing situation and the proposal would not have any additional overlooking or privacy impact for property at the rear.

Neighbours expressed concern regarding poor drainage in the area and probable impact of the basement on drainage. A pre-commencement condition is attached for Sustainable Urban Drainage System features to be included in the scheme to address this issue.

It is not considered that the proposal would have any detrimental impact on the amenities of neighbouring occupiers subject to attached conditions.

#### Provision of suitable accommodation for future occupiers

In terms of amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation.

The proposed 4-bedroom 8 person family dwelling with Gross Internal Floor Area (GIA) of 427 sqm would comply with minimum required. The double bedrooms would be more than

required 11.5 sqm which would meet the minimum standard. The proposed storage space would also meet the minimum requirement.

The rooms would benefit from good outlook and receive adequate daylight and sunlight.

To address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, London Plan 2021 requires a minimum ceiling height of 2.5m for at least 75% of the gross internal area so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space. The proposal would meet the standard in this regard.

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. The Sustainable Design and Construction SPD advises that for a dwelling with up to seven and more habitable rooms needs to provide 85 sqm of outdoor amenity space. The proposed rear gardens would remain existing and would exceed the SPD requirements.

#### **-Waste Recycling**

Paragraph 11.10 of the Residential Design Guidance SPD 2016, states that, "Waste and recycling storage can cause a nuisance to neighbours and future occupiers, by reason of odour and noise, and can be visually intrusive in the streetscene. Waste and recycling storage areas should be integrated within the building or provided on-site and screened within an enclosure or by landscaping avoiding garden areas in front of dwellings."

The applicant is advised that refuse storage must be located within 10m of the public highway on the ground floor in order to allow easy access for collection staff, or bins must be brought to the edge of the footway on collection days.

Submitted drawings do not show location of waste storage, Conditions are attached requiring location and details of screened refuse storage.

#### **Accessibility and Sustainability**

The application scheme is required by Policy D7 of the London Plan (2021) to meet Building Regulation requirement M4(2). The submitted drawings show that the proposed development can be adopted to meet this requirement, and a condition is attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the proposed scheme has to designed to achieve 10% CO2 reduction to comply with the requirements of Policy SI 2 of the London Plan 2021 and a condition is attached to ensure compliance with the Policy.

In terms of water consumption, a condition is attached to require the dwellinghouse 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 SI 5 of the London Plan (20 21).

#### **Highways and Parking**

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more

efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

Councils Highway officers were consulted on the proposal and the officer informed that, the applicant is proposing to provide 3x off-street car parking spaces, with 2x active electric vehicle charging points which is considered acceptable.

No changes are being proposed to the existing vehicular access.

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. A condition is attached to address this issue.

Highway has no objection subject to conditions.

### Ecology

National policy states that "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

Core Strategy Policy CS7: Protecting and Enhancing Barnet's Open Spaces, aims to protect and enhance biodiversity across the borough. The network of green spaces, places and features that thread through and surround urban areas and connect town to country are known as Green Infrastructure. Barnet's Green Infrastructure includes: Green Belt and MOL, parks and gardens, natural and semi-natural green spaces, trees, hedgerows and green corridors, playing pitches and outdoor sports facilities, amenity green space, landscape, children's play facilities, allotments, community gardens and urban farms, cemeteries and churchyards, rivers, streams (including the Blue Ribbon Network) and open water areas as well as green roofs and walls.

DM16 states that, "When considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity."

Councils Ecologist was consulted on the proposal. The officer further informed that, the buildings were all deemed to be of negligible roosting potential, therefore, further bat presence/absence surveys on the buildings are not required.

If at any time following the start of demolition works, a bat roost or evidence of a bat roost is observed, all work would need to cease until a suitably licensed bat ecologist has been consulted and advice sought on how best to proceed under current laws and legislation. Where a bat roost is identified, destruction of the roost would usually need to be covered by a European Protected Species (EPS) Licence obtained from Natural England. The planning authority would need to have sight of any mitigation strategy developed for a licence application in order to address their obligations under The Habitats and Species Conservation Regulations 2018 (as amended).

If demolition is delayed for more than one-year after the date of the bat survey (February 2022), repeat bat surveys should be undertaken.

In line with the National Planning Policy Framework (NPPF) in aiming to achieve sustainable development and the obligations on public bodies to conserve and enhance biodiversity as required by the Natural Environment and Rural Communities (NERC) Act 2006, it is advised that the recommendation made within the Preliminary Bat Roost Surveys Report, is implemented in full. This included the installing a minimum of 3 wall mounted bat bricks or bat boxes, mounted on trees or buildings in the site.

## Trees

Policy DM01 of the Adopted Barnet Development Management Policies advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of trees 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. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

National Planning Policy Framework revised 2018 also emphasises on protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils.

The officer informed that, there are no significant arboricultural reasons to object to this application and recommended conditions.

Subject to condition, the proposal is not considered to have detrimental impact on TPO trees on site.

## **5.4 Response to Public Consultation**

Addressed in 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**

The current proposal addressed the previous reason for refusal.

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the conservation area. The development is not considered to have an adverse impact on the amenities of neighbouring or future occupiers. This application is therefore recommended for approval.



Proposed Block Plan  
1 : 500