

**Location** **67 Westbury Road London N12 7PB**

**Reference:** **22/0932/FUL** Received: 22nd February 2022  
Accepted: 7th March 2022

Ward: West Finchley Expiry 2nd May 2022

**Case Officer:** **John Sperling**

Applicant: Mr Mohammed Ibrahim

Proposal: Erection of a two storey dwelling with rooms in the roofspace following demolition of the existing conservatory and garage. Associated refuse/recycling, cycle store and off-street parking (AMENDED DRAWINGS).

### **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 Chair (or in their absence the Vice-Chair) 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:

Y1041/2021/01 dated June 2022  
Y1041/2021/02 dated June 2022  
Y1041/2021/03 dated June 2022  
Y1041/2021/04 dated June 2022  
Y1041/2021/05 dated June 2022  
Y1041/2021/06 dated June 2022  
Y1041/2021/07 dated June 2022  
Y1041/2021/08 dated June 2022  
Y1041/2021/09 dated June 2022  
Y1041/2021/10 dated June 2022

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

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

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

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

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

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

- 4 a) Before any site works, (including any temporary enabling works, site clearance, removal of existing vegetation, demolition or any investigative works referred in any other conditions, or development) hereby permitted commences, the applicant shall submit for approval details of measures to secure biodiversity enhancement on the site in accordance with guidance set out within BS42040:2013: Biodiversity - Code of practice for planning and development, and guidance documents provided by the Chartered Institute of Ecology and Environmental Management (CIEEM) and the Royal Town Planning Institute (RTPI) for approval.

b) The development shall be implemented in full accordance with details approved under this condition.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Section 197 of the Town and Country Planning Act 1990 in accordance with Policy DM16 of the Local Plan Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy G6 of the London Plan (2021)

- 5 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.

6 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 Policy T5 and Table 10.2 of The London Plan (2021) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

7 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement in carbon dioxide emissions of a minimum of 10% when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies SI 2 of the London Plan 2021.

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

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

- 9 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 Policies D7 of the London Plan (2021).

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any Class of Part 1 of Schedule 2 of that Order shall be carried out within the curtilages of the dwellings hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers and the character and appearance of the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 11 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.

- 12 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reasons: In the interest of good air quality in accordance with London Plan policies 5.3 and 7.14.

- 13 Prior to occupation of the development the proposed parking spaces within the parking area as shown in drawing nos. Y1041/2021/09 and Y1041/2021/10 submitted with the planning application and the access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all time. 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 the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced 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.

- 14 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 08:00 hours or after 13:00 hours on Saturdays, or before 08:00 hours or after 18:00 hours on any other day.

Reason: To protect residential amenity.

- 15 No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan 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. 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.

**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).

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 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).

- 3 The applicant is reminded that any subsequent application to improve or change the front boundary must not harm or impact on the health and well being of the TPO oak. A design along with a detailed construction method statement supported with advice from an arboriculturist that does not impact on the oak tree must be submitted. No changes to the front boundary can be made until such detail has been submitted and approved by the LPA.
- 4 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licences please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email [highwayscorrespondence@barnet.gov.uk](mailto:highwayscorrespondence@barnet.gov.uk)
- 5 Damage to public highway 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.

- 6 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 7 Any external lighting provided must be installed in accordance with guidance with the Bat Conservation Trust Bats Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series.
- 8 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, shrub 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 Biosecurity, 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."

- 9 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense. In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged. Please Note: A maximum width of a crossover allowed from a public highway is 4.2 meters. Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW. Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.
- 10 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 11 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site is located to the west side of Westbury Road opposite the junction of Westbury Grove, in the West Finchley ward. To the north of the site is a footpath which links Westbury Road to the Dollis Valley Greenwalk to the rear of the site. The application site is not within flood zone 2 or 3.

The existing property on site is a two-storey semi-detached residential property. The site benefits from a conservatory to the rear, detached garage to the side and off street front parking. The host site is not located in a conservation area, nor are there any listed buildings on or adjacent to the host site.

### **2. Relevant Site History**

Reference: 20/2562/HSE

Address: 67 Westbury Road, London, N12 7PB

Decision: Approved subject to conditions

Decision Date: 7 August 2020

Description: Single storey rear extension. Roof extension involving hip to gable, rear dormer windows, Juliet balcony and 2no front facing rooflights. New front door. Associated refuse/recycling store

Reference: 20/5045/FUL

Address: 67 Westbury Road, London, N12 7PB

Decision: Refused

Decision Date: 8 January 2021

Description: Erection of a detached two storey dwelling following demolition of the existing garage

Appeal allowed: 02.12.2021

Reference: 21/3054/HSE

Address: 67 Westbury Road, London, N12 7PB

Decision: Approved subject to conditions

Decision Date: 7 September 2021

Description: Two storey side extension following demolition of the existing conservatory

Reference: 21/4603/HSE

Address: 67 Westbury Road, London, N12 7PB

Decision: Approved subject to conditions

Decision Date: 5 November 2021

Description: Single storey rear extension. Creation of basement room under the rear extension

Reference: 22/0493/192

Address: 67 Westbury Road, London, N12 7PB

Decision: Lawful

Decision Date: 18 March 2022

Description: Erection of a rear outbuilding

Reference: 22/1082/CON

Address: 67 Westbury Road, London, N12 7PB

Decision: Refused

Decision Date: 26 April 2022

Description: Submission of details of conditions 3 (Materials), 6 (Cycle Storage), 8 (Water Saving and Efficiency Measures), 9 (Accessibility and Adaptability Measures) and 10 (Carbon Dioxide Emission Reduction Measures) pursuant to appeal decision APP/N5090/W/21/3274402 dated 02/12/21 (planning reference 20/5045/FUL)

Reference: 22/2894/CON

Address: 67 Westbury Road, London, N12 7PB

Decision: Pending Decision

Decision Date: No Decision Made.

Description: Submission of details of conditions 3 (Materials) 5 (Tree protection plan) 6 (Cycle/refuse/recycling storage) 8 (Water saving) 9 (Accessibility and adaptability) 10 (CO2 emission) pursuant to planning permission 20/5045/FUL dated 02/12/2021

### **3. Proposal**

This application seeks approval for the 'Erection of a two storey dwelling with rooms in the roofspace following demolition of the existing conservatory and garage. Associated refuse/recycling, cycle store and off-street parking (AMENDED DRAWINGS).'

The proposed dwelling would be separated from the existing dwelling houses onsite by a 90cm gap, infilling the existing area of amenity to the side of the dwelling along the asymmetric boundary line.

The property is a detached 3 bedroom, 5 person dwelling with a total GIA of 108.9sqm.

The dwelling would measure a depth of 8.2 metres, width of 8.8 metres at its widest point and 5.4 metres at the narrowest point. The property would benefit from an eave height of 5.5 metres and maximum height of 8.6 metres.

The proposal would benefit from a gabled roof design with 3no front facing rooflights and a rear dormer window which measures a height, depth and width of 1.5 metres, 2 metres and 3.1 metres respectively.

The dwelling would project further in width at ground floor, stepping back at first floor appearing as a single storey side projection with mono-pitched roof. The proposed dwelling would feature hardstanding paving to the rear with steps leading to the area of private amenity space measuring approx. 55.4m<sup>2</sup>. The application proposes a mix of hardstanding and landscaping to the front of the site and parking provision for 2no vehicles.

It is noted a previously granted scheme relates to the application site, which was approved at appeal under appeal reference number APP/N5090/W/21/3274402. The scheme is noted to deviate from previously approved scheme only with the addition of 3no. front rooflights, a rear dormer window and increased outdoor amenity space by 15sqm. Apart from these changes, the current scheme is similar to the previously allowed appeal scheme.

#### **4. Public Consultation**

Consultation letters were sent to 25 neighbouring properties

28 objections received originally. The objections may be summarised as follows:

- Harmful impact to character of the wider area
- Close proximity to public footpath
- Design and appearance of the proposed development
- Damage to front TPO tree
- Poor conditions because of construction works
- Long period of works
- Overdevelopment of the site
- Development is a flood risk from Dollis Brook
- LPA made correct decision with previous application
- Erection of new boundary fence on public land
- Increased parking pressure

Following amendments to the original drawings, a 14 day reconsultation was issued to the consultations. 24 objections were subsequently received. These comments may be summarised in the following manner:

- Amended development still unacceptable
- Recently felled tree
- Previous objections still stand
- Harmful character impact
- Adjusted boundary to encroach on public land
- Inadequate garden space
- Plot is awkwardly shaped
- Proposal not consistent with surrounding properties
- Impact to nearby trees
- High flood risk
- Length of time of construction works and during unsociable hours
- Poor parking
- Fails to comply with the West Finchley Neighbourhood Plan 2020 -2035.

A total of 52 objections have been received.

#### **. Internal Consultation**

Following receipt of the amended drawings the Highways department finds no objection subject to conditions via email dated 13/05/2022 at 19:16.

The Environmental Health department raised no objections subject to further information provided by way of condition.

#### **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 on 20 July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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.

Existing policies in Barnet's Local Plan (2012) and the London Plan (2021) should not be considered out-of-date simply because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF.

### The Mayor's London Plan 2021

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 to 2041. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

### Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM07, DM08, DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their 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 (2012)

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 (2016)

- Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. The SPD states that large areas of Barnet are characterised by relatively low-density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States developments should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity it states that developments should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

#### Sustainable Design and Construction SPD (adopted 2016)

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

#### West Finchley Neighbourhood Plan 2020 -2035.

### Supplementary Planning Documents

#### Residential Design Guidance SPD (adopted 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

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

Sustainable Design and Construction SPD (adopted 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:

- Impact on the character and appearance of the area;
- Impact on the amenities of neighbouring occupiers;
- Provision of suitable accommodation for future occupiers;
- Impact on Highways
- Refuse and Recycling
- Accessibility and Sustainability

## **5.3 Assessment of proposals**

### Impact on the character and appearance of the area

Policy CS5 of Barnet's Core Strategy DPD (2012) states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design.

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states in point b: "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."

Barnet's Local Plan Supplementary Planning Document: Residential Design Guidance SPD (October 2016) provides more detailed residential design guidance issues relevant to Barnet such as local character, density, built form, car parking and amenity space standards connected with new build development. Through these changes the SPD sets out the local priorities for protecting and enhancing Barnet's character.

The planning inspector's report, under reference number APP/N5090/W/21/3274402, made following the LPA's original assessment to refuse 20/5045/FUL, which relates to the

addition of a single family dwelling in the same area in question, provided the following assessment on the impact on character grounds:

"Westbury Road is a residential street within a suburban location. Housing consists of a variety of styles but predominantly consists of semi-detached housing, many of which with projecting two-storey bay windows. The pattern of development around the appeal site is relatively close-knit, with several local examples of extensions above garages resulting in limited gaps being retained between built form. Development becomes more dispersed to the northeast of the site where detached housing is more prevalent and gaps between dwellings increase. The appeal site is a parcel of land that is enclosed by frontage hedging and contains a side garden and single garage. The site is adjacent to a wide access route into Dollis Valley Greenwalk. The site's host dwelling, and the space around it, make a positive contribution to the character and appearance of the area.

The proposed dwelling would be located to the side of the existing dwelling. It would incorporate design features evident within the host building, including a two-storey bay window, a similar window design and porch. It would also follow the established front building line and the scale of neighbouring development. The proposal would be a two-storey form, with a single storey element to its side that follows the alignment of the side boundary. Therefore, the proposal would be a conventional shape, despite its non-uniform alignment to the side boundary. The proposal would not contribute to the formation of a terrace as it would retain a gap, enabling it to accord with the spacing of many local dwellings.

The site makes a contribution to the gap formed by the access to the park. However, this contribution is limited due to the presence of existing landscaping and built form and the site's relatively narrow width. The access footpath into the park runs through the middle of a grassed parcel of land, on a gradual gradient down into the main area of the park. Views along the path take in existing built form. Buildings do not especially crowd the gap despite the existing proximity of No 65 to its boundary. The main mass of the proposal would be partially set away from the side boundary, presenting some sense of separation to the green route into the park. The proposed dwelling would therefore not be dominant or overbearing from this vantage. Although, views of the adjacent open gap would be reduced from the street and Westbury Grove, this effect would be marginal and not demonstrably harmful. As a result, the proposed dwelling would integrate well with the local pattern of development and complement the character and appearance of the streetscene and wider locality.

Accordingly, the proposal would satisfy policy CS5 of the Barnet Core Strategy (2012)(CS), policy DM01 of the Barnet Development management Policies DPD (2012)(DPD) and the Council's Residential Design Guidance SPD (2016). These policies, among other matters, seek development that is based on an understanding of local character and to create buildings of high-quality design."

It is noted that the current application differs from the previously allowed scheme (at appeal) by virtue of the proposed property including habitable rooms in the roofspace with a subordinate rear dormer window and 3no front facing rooflights. Officers requested amendments to this element of the scheme to ensure the proposal was less than half the width and height of the rear roofspace and centrally positioned therein. With regards to the streetscene, it is noted that the element would be visible although is subordinately and sympathetically scaled to not appear overly dominant. It is noted that similarly sized and larger rear dormer windows are situated within the wider area. As such, by virtue of its subordinate nature the impact to the character and appearance of the proposed property



and wider area is considered acceptable.

To account for the increased internal floor space the proposed outdoor amenity space area was increased to accommodate for this change and is policy compliant (as shown in the latter section of this report). The Inspector notes:

"although the rear garden would be small in comparison to neighbouring dwellings, it would be of sufficient size to provide for the day-to-day needs of future occupying families."

This perspective remains unchanged as the garden space standard has been met.

Objections have stated that the proposed development would conflict with West Finchley Neighbourhood Plan 2020 -2035. The proposed development is consistent with the prevailing residential character of Westbury Road. The appeal site is not mentioned within the Plan and officers consider that the proposal does not contradict the Plan policies. It is noted that the appeal decision was made after the adoption of the Plan and should be afforded significant weight in the consideration of this application.

As such, it is considered that the proposed development would not result in a deleteriously harmful impact to the character and appearance of the host site, street scene and wider locality and thus complies with the policies and expectations outlined in Policy DM01.

It is considered that it does not conflict with the policies in the adopted neighbourhood plan.

#### Impact on the amenities of neighbouring occupiers

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan policy D6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

With regards to the impact on neighbouring amenity, the previous application was found acceptable, the officer report stating:

"With regards to the provision of 1no new dwelling to the land adjacent the site, it is not considered that the comings and goings of one additional dwelling within this location would result in adverse impacts on the amenity of adjacent occupiers above and beyond that already present with the site and surrounding uses.

The proposed new dwelling would be located between the existing dwelling and a public right of way which leads to Dollis Brook Greenwalk. Given the position of the proposed new dwelling house, it is not considered that the proposal would appear overbearing or visually intrusive when viewed from any neighbouring property or would harm the privacy of the occupants of any neighbouring property."

It is not considered that the additional rear dormer window and 3no front rooflights would introduce an unacceptable level of harm to the surrounding neighbouring residents by virtue of numerous other rear dormer windows being insitu.

As such, it is considered the proposed development will not result in an unacceptable loss of amenity to any neighbouring occupiers and is therefore compliant with policy DM01 of Barnet's Local Plan.

### Provision of suitable accommodation for future occupiers;

Section 8.4 of Barnet's Local Plan SPD: residential design guidance states: "in designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides reasonable level of privacy".

In addition to this, section 2.4 of the SPD for sustainable design and construction states that "the impact of development on the availability of daylight / sunlight and privacy to the occupants of existing buildings and the occupants of new development is strongly influenced by design and contributes significantly to the quality of life. The amount of daylight available in buildings enhances people's quality of life and reduces energy use. The Mayor's Housing SPG standard 5.5.2 recommends that development should preferably have direct sunlight in living areas and kitchen dining spaces and all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Overheating should be considered when designing for sunlight".

#### Space standards:

The proposed dwellinghouse would contain 3 no. bedrooms with maximum occupancy of 5 people with habitable rooms in the roofspace.

In accordance with D6 of the London Plan (2021) the proposed development should be of a high-quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose. Housing developments are required to meet the minimum standards, as laid out in Table 3.1 of the London Plan.

The proposed development is required to provide 99sqm of internal floor space. The proposal would provide 108.9sqm of internal floor space, thus exceeding this requirement.

The proposed double bedroom (loft level) would exceed the requirement of measuring 11.5 sqm and would measure more than 2.75 metres in width.

The proposed single bedrooms (first floor bedrooms) would exceed the requirement of measuring 7.5 sqm and would measure more than 2.15 metres in width.

#### Floor to Ceiling Height:

The London Plan 2021 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 dwelling is compliant with the above standard.

#### Outdoor Amenity Space:

The Sustainable Design Construction SPD highlighted the importance of good quality amenity space. Section 2.31 highlights that 'outdoor amenity space is highly valued and suitable provision will help to protect and improve the living standards of residents as well as contribute to maintaining and enhancing the wider character of the borough. Residential units with insufficient garden or amenity space are unlikely to provide good living conditions for future occupiers.

55 sqm of amenity space would be required. Approximately 55.4 sqm of private rear amenity space would be provided by the proposal, and therefore meets the requirements laid out in Table 2.3 of Barnet's Sustainable Design and Construction SPD.

#### Lighting:

Barnet Council's Sustainable Design and Construction SPD under section 2.4 'Daylight, Privacy (minimum distance), Outlook and Light Pollution' highlights the need for development proposals to ensure that the availability of daylight/sunlight for new developments is adequate and contributes significantly to the quality of life of future occupiers.

Within the design principles section, the SPD highlights that all glazing to habitable rooms should normally not be less than 20% of the internal floor area of the room.

Overall it is considered the proposed lighting would be acceptable, positively contributing to the amenity of future occupiers.

#### Outlook:

The London Plan Housing Supplementary Planning Guidance notes that units should demonstrate that all habitable rooms and the kitchens are provided with adequate privacy and daylight and that the orientation enhances amenity, including views. Furthermore, the Mayors Housing Supplementary Planning Guidance outlines that units must demonstrate that adequate privacy, daylight and orientation including views are adequate for habitable rooms.

The proposed outlook is considered acceptable.

Overall, the proposal is considered to provide an acceptable standard of accommodation for future residents.

#### Traffic, parking, cycle parking and refuse/recycling

##### Traffic/parking:

The LPA's highways department provided the following amended information request which was received and reviewed in the lifetime of the application:

The site is in a Public Transport Accessibility Level (PTAL) score of 2 which means that there is poor public transport accessibility to and from the site. The site is not situated within Controlled Parking Zone. Bus route 326 can be accessed within 5 minute walking distance of the site and the nearest tube station is West Finchley Tube station which is 7 minutes distance from the site.

##### ASSESSMENT OF PARKING PROVISION:

According to the Parking Standards as set out in Barnet Council's Local Plan Development Management Policy DM17, the range of vehicular parking spaces which would need to be provided as part of the proposed development is between 1.5 and 2 parking spaces.

The provision of 2 car parking spaces on site is as per the residential parking requirements of DM17 policy and is acceptable on highways grounds. As per the PTAL rating of the site being 2, 2 no off-street car parking spaces will be acceptable on highways

grounds if swept path drawings are provided to ensure safe entry and exit to the site.

Please also note that the visibility spays will need to be provided for safety reasons when vehicles are entering and exiting the site, as the site is situated close a bend.

#### CYCLE PARKING:

Please note that cycle parking and cycle storage facilities should be provided in accordance with the London Borough of Barnet's Local Plan, in the interests of promoting cycling as a mode of transport. The proposed development will need to provide 2 cycle parking spaces in accordance with the 2021 London Cycle Parking Standards. The applicant has not proposed to provide cycle parking spaces, hence revised drawings are recommended to view.

Design details for the cycle parking spaces and the storage facilities will need to be provided in accordance with the London Cycling Design Standards (LCDS).

#### REFUSE COLLECTION ARRANGEMENTS:

The refuse store requires to be lockable, secure and enclosed. Refuse collection points should be located within 10 metres of the Public Highway.

According to the plans submitted along with the planning application, the applicant has not proposed to provide a bin store, which is not located within 10 meters of the public highway. Revised drawings are requested to view.

#### VEHICULAR AND PEDESTRAIN ACCESS ARRANGEMENTS:

The applicant has not presented details of the vehicular crossover in the proposed ground floor plans. Please note that only 4.2 metres which is the maximum width allowed by the Council's Domestic Vehicle Crossover Policy adopted in April 2019 in order to enable safe access and egress taking place to and from the site.

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

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

#### RECOMMENDATION:

Further information is requested as per below;

Revised car parking layout with swept path drawings of the 2no car parking spaces accommodated in the forecourt.

Confirmation needed on the proposals made for the vehicular access, presenting clear dimensions in meters.

Location of the bin store and the cycle store is requested in the new revised ground floor plan drawings.

Amended drawings were received and confirmed by the Highways department to be acceptable.

## Accessibility and Sustainability

Conditions would be attached to any permission to ensure the integration of water saving and efficiency measures insofar as a maximum of 105 litres of water consumption per person per day to comply with Policy S1 5 of the London Plan (2021) and a reduction of CO2 emissions in accordance with the requirements of Policy SI 2 of the London Plan (2021).

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

28 objections received originally. The objections may be summarised as follows:

- Harmful impact to character of the wider area
- Proximity to public footpath
- Overdevelopment of the site
- Design and appearance of the proposed development

The impact on character grounds is considered acceptable and is supported by the recent appeal decision and must be considered as a material consideration in the assessment of the scheme.

- Damage to front TPO tree

No harm is anticipated to take place, as per Arboricultural Report.

- Poor conditions because of construction works
- Long period of works
- Development is a flood risk from Dollis Brook

Having consulted Environment Agency flood risk information, a small portion of the site falls within Flood Zone 2. The remaining portion of the site within Flood Zone 1. Given the ascending level change from Dollis Brook to the site the impact is not considered at harm to the development in question. Approval for the outbuilding was granted via a permitted development application which is insitu and does not account for flood risk.

- LPA made correct decision with previous application

The LPA's decision was overturned by the Planning Inspector.

- Erection of new boundary fence on public land

The submitted information indicates that no alterations to the boundary is taking place. The LPA's Enforcement department will be consulted.

- Increased parking pressure

The Highways department have confirmed that the amended information indicates that no materially harmful impact will take place in this regard.

Following amendments to the original drawings, a 14 day reconsultation was issued to the consultations. 24 objections were subsequently received. These comments may be summarised in the following manner:

- Amended development still unacceptable
- Recently felled tree
- Previous objections still stand
- Harmful character impact
- Adjusted boundary to encroach on public land
- Inadequate garden space

The proposed outdoor amenity space would comply with the relevant requirements.

- Plot is awkwardly shaped
- Proposal not consistent with surrounding properties
- Impact to nearby trees
- High flood risk
- Length of time of construction works and during unsociable hours

- Poor parking
- Fails to comply with the West Finchley Neighbourhood Plan 2020 -2035.

It is noted that the similar development footprint was approved at appeal, which now forms the basis of the current recommendation to approve the scheme. The LPA acknowledges the frustration of the local residents who have been affected by the development works and have objected to the scheme. However, having assessed the material considerations, given the minor changes compared to the appeal scheme, the amended proposal is considered acceptable, subject to conditions.

## 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, the proposed development is recommended for APPROVAL, subject to conditions.

