

Location 26 Portsdown Avenue London NW11 0NG

Reference: 22/1783/FUL Received: 4th April 2022
Accepted: 6th April 2022

Ward: Golders Green Expiry 1st June 2022

Case Officer: Madara Tukisa

Applicant: Mr Andrew Tesler

Proposal: Demolition of existing house and the erection of a new 2 storey house with mansard roof (including retention of the two storey wall and chimney stacks on the boundary with 28). Associated refuse storage and off-street parking

OFFICER'S RECOMMENDATION

Refuse

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the 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 proposed development incorporating a new two storey dwelling, by reason of its size, design and bulk, would result in an uncharacteristic development which would harm the character of the street scene along Portsdown Avenue. The proposal is therefore contrary to Policy D3 of the London Plan (2021), Policy C5 of the Local Plan Core Strategy (2012), Policy DM01 of the Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2016).
- 2 The proposed development incorporating a new two storey dwelling, by reason of its size and rearward projection would create adverse impact to the neighbouring

amenity at no. 24 Portsdown Avenue in terms of appearing overbearing and causing significant levels of loss of light and outlook. The proposal is therefore contrary to Policy D6 of the London Plan (2021), Policy CS5 of the Local Plan Core Strategy (2012), Policy DM01 of the Development Management Policies DPD (2012), the Residential Design Guidance SPD (2016) and Sustainable Design and Construction SPD (2016).

Informative(s):

- 1 The plans accompanying this application are:
Site Location Plan
26/EX/04, 26/EX/05, 26/PRO/06, 26/EX&PRO/07, 26/EX&PRO/08 dated June 2021

26/EX/01, 26/EX/02, 26/EX/03, 26/PRO/02, 26/PRO/04, 26/PRO/05, 26/PRO/07,
dated August 2021
26/PRO/03 Revision A dated August 2021
ONG/26/LP dated September 2022
Design and Access Statement
Preliminary Ecological Appraisal and Preliminary Roost Assessment

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

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

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

We believe that your development is liable for CIL. The Mayor of London adopted a

CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

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

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail.

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

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

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of any appeal being allowed, please contact us: cil@barnet.gov.uk.

Relief or Exemption from CIL

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

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

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

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

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

Please visit

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

OFFICER'S ASSESSMENT

The application has been called to committee by Councillor Cohen with the reasoning being that the proposal is in keeping with the other properties along the street.

1. Site Description

The application site relates to a two-storey, detached dwelling which is situated on the northern side of Portsdown Avenue. The surrounding area is residential in character, comprising of predominantly detached properties. The site is located within the Golders Green ward.

The site is not located within a conservation area and is not subject to any other relevant restrictions.

2. Site History

Planning

Reference: 21/8377/QCJ

Address: 26 Portsdown Avenue, London, NW11 0NG

Decision: Pre-application advice issued

Decision Date: 16 September 2021

Description: Part single storey and part two storey rear and side extension, new roof and additional front bay.

Enforcement

No planning enforcement history.

3. Proposal

The proposal relates to the demolition of the existing house and the erection of a new 2 storey, 7-bedroom house with mansard roof (including the retention of the two storey wall and chimney stacks on the boundary with no. 28 Portsdown Avenue), along with associated refuse storage and off-street parking.

To the front elevation, the existing two-storey bay window would be retained and mirrored on the other side too. The width of the property would be increased from 9.2 metres

(excluding the single storey side garage) to 10.5 metres, retaining a gap of 1.5 meters between the host property and the neighbouring property at no. 24 Portsdown Avenue.

Towards the rear at ground floor level, the property would be increased in depth with a 4.9 metre deep projection beyond the existing rear elevation, with 2no. bay windows measuring a further 1.1 metres. At first-floor level the property would be increased in depth by 3 meters, with double bay windows of 1.1 metre depth.

The proposed mansard roof would maintain the same height as the ridge of the existing roof and would feature inverted dormers to the side and rear roofslopes.

Internally, the proposed dwelling would provide a study, 2no. WC's, a dining and living area and an open plan kitchen combined with a dining area and a children's play area, at ground floor level. At first-floor level the property would contain 5no. bedrooms, with 2 bedrooms benefitting from en-suite bathrooms, and a utility/laundry room. At loft level the property would contain a study, a bathroom and 3no. bedrooms with one of the bedrooms featuring an en-suite.

The proposal includes some soft landscaping to the front of the property and proposed provision for 2no. car parking spaces within the forecourt.

The refuse and recycling store would be located behind the side fence to the side of the property.

4. Public Consultation

49 consultation letters were sent to neighbouring properties. No responses have been received.

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

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

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 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 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.

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, DM03, DM04, DM08, DM16, 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.

Supplementary Planning Documents

Residential Design Guidance (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development
- Whether harm would be caused to the character and appearance of the street scene and locality
- Whether harm would be caused to the living conditions of neighbouring residents
- Whether the proposal would provide adequate amenity for future occupiers
- Parking and Refuse
- Impact on bio-diversity
- Accessibility and Sustainability

5.3 Assessment of proposals

Principle of development

The National Planning Policy Framework (NPPF) encourages the provision of more housing and states that applications should be considered in the context of the

presumption in favour of sustainable development. Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed provided that it is not of high environmental value.

The proposal to demolish the existing building, which has no particular designation, and erect a replacement building is considered to be acceptable in principle, subject to the below considerations.

Impact on the character of the area

The NPPF states that 'in determining applications, local planning authorities should take account of the desirability of new development making positive contribution to local character and distinctiveness.'

The Borough has an attractive and high-quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), D1, D3 and D4 (both of the London Plan). All proposed developments should be based on an understanding of the local characteristics, preserving or enhancing the local character and respecting the appearance, scale, mass and height of the surrounding buildings, spaces and streets in accordance with DM01 of the Development Management Policies DPD (2012).

Paragraph 6.6 of the Councils Residential Design Guidance (2016) SPD states, "the design and layout of new development should be informed by the local pattern of development. The continuity of building lines, forecourt depths, road layout, space about the building and rear garden areas are all likely to be significant factors when redeveloping sites within existing residential areas, or at the interface of larger development sites and existing housing".

Although the proposal relates to the demolition and rebuild of the host property it is considered that the same principles apply as set out in the Residential Design Guidance SPD in relation to extensions.

The Residential Design Guidance SPD also sets out that 'large, front extensions will not normally be permitted because of their effect on the street scene and character of the area in general' and where they are considered acceptable, they should reflect the existing roof form and fit in with the architectural style of the house'.

It has been noted that the predominant property style along Portsdown Avenue is a two-storey detached property which features a two-storey front bay projection. It has been noted that there is a group of semi-detached properties towards the eastern side of Portsdown Avenue which feature symmetrical two-storey front bay windows.

By reason of overall size and design it is considered that the proposed two-storey front extension would cause significant harmful impact to the character of the host property as well as the street scene. The proposed two-storey front bay window is considered to conflict with the existing architectural style of the dwelling and the predominant style of detached properties along Portsdown Avenue.

The Residential Design Guidance SPD states that the depth normally considered acceptable for single storey rear extensions to detached properties is 4 metres. It also sets out that two-storey rear extensions should not exceed a depth of 3 metres where they are within 2 metres of the side boundary.

The proposed ground floor rear element would have an overall depth of 6 meters and the first-floor rear extension would have an overall depth of 4.1 meters. By reason of overall size and depth it is not considered that the part single, part two-storey rear extension would appear as a subordinate or harmonious addition. It is considered that this element of the proposal would appear bulky and incongruous and would harm the character of the host property as well as the surrounding area. It is not considered that larger rear extensions are characteristic of properties along the northern side of Portsdown Avenue.

Moreover, mansard roof extensions are not characteristic of the properties along Portsdown Avenue. The proposed mansard roof, by reason of overall size and pitch is considered to constitute a bulky and top-heavy design that would not harmonise with the design of the property or be in keeping with the street scene along Portsdown Avenue.

In conclusion, it is considered that the design of the proposed property would have a detrimental impact to the character of the surrounding area, contrary to Policy DM01.

Impact on the amenities of neighbours

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

The Residential Design Guidance SPD states that proposals should be designed to ensure the provision of sufficient privacy, minimisation of overlooking between surrounding dwellings and orientation of buildings to maximise sunlight and daylight.

The neighbouring property at no. 28 Portsdown Avenue does not benefit from any rear extensions but does benefit from an outbuilding which is located along the shared boundary. Given the location of the neighbouring outbuilding it is not considered that the ground floor projection at the host property would harm neighbouring amenity. At first-floor level to the rear, the proposed dwelling would project beyond the neighbouring rear wall by 3 metres, with an overall projection of 4.1 meters when including the bay windows. Given that a gap of 2.8 meters would be retained between the host property and the neighbouring property at no. 28 it is not considered that the first-floor projection would cause significant harmful impact in terms of appearing overbearing or causing significant levels of loss of light or outlook.

It has been noted that the neighbouring property at no. 24 Portsdown Avenue features a single storey rear extension, which is set in from the shared boundary by approximately 2.6 metres. Given that the main bulk of the proposed single storey rear projection, without the bay windows, would project beyond the neighbouring main rear elevation by 4.9 meters, it is considered that it would cause adverse impact to neighbouring amenity in terms of appearing overbearing and causing significant levels of loss of light and outlook. At first-floor level the main bulk of the proposed property would project beyond the neighbouring rear wall by 3 metres and by 4.1 metres when including the bay windows. There would be a gap of 1.5 meters between the flank walls of the host property and the neighbouring property and it has been noted that the neighbouring property at no. 24 is set at a higher level than the host property. Therefore, on balance, it is considered that the proposed first-floor rear projection would not unduly impact upon neighbouring amenity in terms of appearing overbearing or causing significant levels of loss of light or outlook.

It is not considered that the proposed mansard roof extension would harm neighbouring

amenity. Although the proposed inset dormers to the side roofslopes are not proposed to be obscure-glazed, given that neither of the neighbouring properties features side dormers it is not considered that this element of the proposal would give rise to overlooking or significant levels of loss of privacy.

Taking all of the above into account it is considered that the proposal would not be in accordance with Policy DM01 in terms of its impact on the residential amenities of the occupiers of 24 Portsdown Avenue.

Impact on amenity of future occupiers

All residential development is expected to comply with the minimum space standards as set out in the Sustainable Design and Construction SPD (adopted 2016) and the London Plan 2021.

Table 3.1 of the London Plan states that the minimum space standards for a 6 bedroom 8 person dwelling across 3 storeys is 138sqm, with 4m² of built-in storage, which is the highest level of occupancy that the minimum space standards relates to. Plans indicate the proposal would provide 7 bedrooms, with every bedroom proposed being sufficient in size to be a double bedroom, however, there are no minimum space standards for such a configuration. In any event, the total floor area of 238.8sqm would provide a very good level of living accommodation for future occupiers.

Table 2.2: Internal layout and design requirements as set out in Barnet's Sustainable Design SPD (Oct 2016) sets out that bedrooms should meet the following requirements:

- Single bedroom: minimum area should be 7.5m² and should be at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5m² and the room should be at least 2.75m wide

The proposed dwelling would meet the space standards and the proposed bedrooms are also of a sufficient size.

Barnet's Sustainable Design SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and that bedrooms and living rooms/kitchens should have a reasonable outlook with clear glazed windows.

The first-floor bedrooms would all feature bay windows which are considered to provide sufficient outlook and light into the rooms. At loft level the proposed bedrooms and study would be served by inset dormers which are also considered to provide adequate outlook and light. Moreover, it is considered that sufficient glazing has been provided to the habitable rooms at ground floor level.

The Sustainable Design SPD sets out 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'. Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible.

Table 2.3 within the Sustainable Design SPD sets out that a dwelling with up to seven or more habitable rooms should provide 85m² of external amenity space. The Sustainable Design and Construction SPD (2016) defines a habitable room as 'a room within a dwelling, the primary purpose of which is for living, sleeping or dining, including kitchens where the total area is more than 13m² (including fittings), or the dining space if it is divided from the working area by a moveable partition. Rooms exceeding 20m² will be counted as two.'

The remaining rear garden space would provide approximately 131m² of private amenity space which is considered adequate for the size of the property.

Taking all of the above into account it is considered that the proposal would provide good quality internal and external amenity for future occupiers, in accordance with Policy DM02.

Parking and Refuse

The site is located within a PTAL of 2 which is considered to be a poor level of connectivity. The proposal seeks to provide 2no. off-street car parking spaces within the forecourt, which Highways find acceptable. However, Highways did note that the existing vehicular access would have to be increased in width and therefore an application would have to be submitted to the Highways Crossover Team.

In accordance with Policy T5 Cycling of the new London Plan (2021), new development should provide secure, integrated, convenient and accessible cycle parking facilities. Based on table 10.2 of the London Plan, the development would require the provision of 2 cycle spaces for the residential use. The proposal does not include the provision of cycle parking, therefore, in the event of approval, a condition would be attached to provide details of cycle parking provision.

The refuse storage is being proposed behind the side gate and the plans show that the proposal would provide 2x240L bins and 2x140L bins. The property would require 1x240L refuse bin and 1x240L recycling bin which have been proposed. No further details have been provided in relation to whether the bins would be located in a bin store. It has also been noted that they have been located in front of the door leading to the study. In the event of approval, further details would be required.

Impact on bio-diversity

The importance of trees, ecology and landscape is recognised at every policy level, Nationally NPPF chapter 15; regionally London Plan policy G6 and locally within Barnet Council's adopted policies DM01, DM04, DM15 & DM16 all require developers to consider, trees, ecology and landscape which builds bio-diversity. In addition the following references are also considered; Circular 06/2005: Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System, ODPM, 2005, London Biodiversity Action Plan, London Plan, 2016, London Regional Landscape Framework, Natural England, 2010.

The applicant has submitted a Preliminary Ecological Appraisal and Preliminary Roost Assessment. The PEA did not report any protected or notable species at the property and the existing building was deemed to have negligible suitability for roosting bats.

The council's ecologist reviewed the reports and raised no objections on ecological grounds, and recommended conditions in the event of an approval.

Accessibility and Sustainability

The application scheme is required by London Plan policy D7 to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition would be attached in the event planning permission is granted to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 10% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy S1..2 of the London Plan 2021 and the 2016 Housing SPG's requirements and a condition would be attached in the event planning permission is granted to ensure compliance with the Policy.

In terms of water consumption, a condition would be attached in the event planning permission is granted to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy S1.5 of the London Plan 2021.

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

5.4 Response to Public Consultation

N/A

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 proposed development incorporating a new two storey dwelling, by reason of its size, design and bulk, would result in an uncharacteristic development which would harm the character of the street scene along Portsdown Avenue. The property would also create adverse impact to the neighbouring amenity at no. 24 Portsdown Avenue in terms of appearing overbearing and causing significant levels of loss of light and outlook. The proposal is contrary to Policies D3 and D6 of the London Plan (2021), Policy DM01 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) and Sustainable Design and Construction SPD (2016).

