

Location **69 Brunswick Park Gardens London N11 1EF**

Reference: **21/4740/FUL** Received: 31st August 2021
Accepted: 6th September 2021

Ward: Brunswick Park Expiry 1st November 2021

Case Officer: **Mansoor Cohen**

Applicant: John Silverman

Proposal: Erection of a two-storey building on the side garden of No. 69 Brunswick Park Gardens, to create 4no self-contained assisted living units. Addition of a single storey front extension to form new front entrance at No. 69 Brunswick Park Gardens. Associated additional refuse/recycling store and parking area.

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:

BRG-B011-XX-XX-DR-A-PL005 Rev P02-Site Location Plan
BRG-B011-XX-XX-DR-A-PL006 Rev P02-Existing Site Plan
BRG-B011-XX-XX-DR-A-PL012 Rev P02-Existing Elevations
BRG-B011-XX-XX-DR-A-PL013 Rev P01-Existing Ground Floor Plan
BRG-B011-XX-XX-DR-A-PL014 Rev P01-Existing First Floor and Roof Plan
BRG-B011-XX-XX-DR-A-PL008 Rev P04-Proposed Ground Floor Plan
BRG-B011-XX-XX-DR-A-PL009 Rev P03-Proposed First Floor and Roof Plan
BRG-B011-XX-XX-DR-A-PL010 Rev P03-Proposed Elevations
BRG-B011-XX-XX-DR-A-PL011 Rev P02-Proposed Elevations

BRG-B011-XX-XX-DR-A-PL015 Rev P01-Proposed Section
BRG-B011-XX-XX-DR-A-PL008 Mark up Rev P04-Proposed Ground Floor Plan
BRG-B011-XX-XX-DR-A-PL007 Rev P03-Proposed Site Plan
Parking Survey by Fieldgate Consultants Ltd, dated 1 November 2021

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

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

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

- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

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

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

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

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of the development.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies D14, SI 1 and T7 of the London Plan (2021).

5 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.

6 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of

the Development Management Policies DPD (adopted September 2012); the Sustainable Design and Construction SPD (adopted October 2016); and Policies D6 and SI7 of the London Plan 2021

- 7 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. BRG-B011-XX-XX-DR-A-PL008; shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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

- 8 a) Notwithstanding the details submitted with the application, 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 6.9 and Table 6.3 of The London Plan (2016) 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.

- 9 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 G1 and G7 of the London Plan 2021.

- 10
- a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.
 - b) The treatment of boundaries should be permeable to species such as hedgehogs (*Erinaceus europaeus*) and common toad (*Bufo bufo*), with the introduction of a minimum of 1no 13 x 13cm ground level access 'hedgehog hole' between the application site and each neighbouring piece of land to enable connections and prevent the fragmentation of habitat
 - c) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM16, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 11
- a) Before the development hereby permitted is first occupied, details of the subdivision of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.
 - b) The development shall be implemented in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2016).

- 12
- 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

- 13 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) with the exception of the provision of lifts. 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 D6 and D7 of the London Plan 2021.

- 14 Prior to the first occupation of the residential units 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.

- 15 The premises shall be used for assisted living units and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

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.

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.

- 3 The applicant is advised that any development or conversion which necessitates

the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

OFFICER'S ASSESSMENT

This application was originally called in by the former Cllr Rutter and since has been called in by Cllr T Vourou for the reasons that:

1. This development would cause the new dwellings to be overlooking neighbouring properties.
2. The new development is too close to the neighbouring boundaries.
3. The new development would adversely affect the light in gardens in Pine Road.

1. Site Description

The application site comprises land to the north of no.69 Brunswick Park Gardens, a two-storey detached building. The surrounding streetscape is predominately characterised by two-storey gable-ended dwelling houses formed within small terraces. There is little design variation within the streetscape. The application site is visible from the main public highway, although fronts onto a pedestrian footpath linking Brunswick Park Gardens and Pine Road. To the north of the site is the rear gardens of dwelling houses located on Pine Road, to the west is a large field associated with the North London Business Park, to the south is no.69 Brunswick Park Gardens and to the east is the highlighted pedestrian footpath. The site topography slopes down from west to east.

The application site is not located within a conservation area and is not a statutory or locally listed building. The site is in Flood Zone 1 and has no trees subject to Tree Preservation Orders (TPO) located within its curtilage.

2. Site History

Reference: 18/7550/FUL

Address: 69 Brunswick Park Gardens

Decision: Refused

Decision Date: 04 March 2019

Description: Erection of a two-storey building on the side garden of no.69 Brunswick Park Gardens, to create 4no self-contained assisted living units. Associated parking and refuse and recycling storage.

Reason: The proposed development would by reason of its two-storey front gable design, building width, inconsistent eaves treatment and siting of the front door, have a discordant appearance within the streetscene and when viewed in relation to the adjacent grouping of properties at nos. 61 to 69 Brunswick Park Gardens. It would also result in a visual imbalance with the adjoining property at no.69 in which it would form a pair of semi-detached properties. As a result it would fail to comply with Policies 7.4 and 7.6 of the London Plan (2016) and Policy DM01 of Barnet's Development Management Policies (2012).

Reference: 19/3425/FUL

Address: 69 Brunswick Park Gardens, London, N11 1EF

Decision: Refused

Decision Date: 14 August 2019

Description: Erection of a two-storey building on the side garden of no.69 Brunswick Park Gardens, to create 4no self-contained assisted living units

Reason: The proposed development would, by reason of its building width and siting of the front door, have a discordant appearance within the streetscene and when viewed in relation to the adjacent grouping of properties at nos. 61 to 69 Brunswick Park Gardens. It would also result in a visual imbalance with the adjoining property at no.69 in which it would form a pair of semi-detached properties. As a result it would fail to comply with Policies 7.4 and 7.6 of the London Plan (2016) and Policy DM01 of Barnet's Development Management Policies (2012).

3. Proposal

This application follows on from the previous two refused schemes considered under reference no. 18/7550/FUL and 19/3425/FUL and seeks to overcome the previous reasons for refusal.

The application seeks planning permission for the 'Erection of a two-storey building on the side garden of No. 69 Brunswick Park Gardens, to create 4no self-contained assisted living units. Addition of a single storey front extension to form new front entrance at No. 69 Brunswick Park Gardens. Associated additional refuse/recycling store and parking area'.

The primary differences between this application and its predecessor, 19/3425/FUL are as follows:

- New front further projecting porch for the existing building
- The inclusion of centralised two storey front projection to mirror No.69 (predecessor consisted of a flush front with a front canopy to one side of the building).
- Alterations to fenestration detailing to match the existing building
- Reduced width and ridge height of the two storey rear projection
- Reconfiguration of the internal layout for the four units
- Alterations to the layout of the landscaping around the building
- Reduction in the existing 3no. spaces of parking provision to 2no. parking spaces to improve access to existing building entrance.

Amended plans were received during the course of the application and are the subject of this assessment.

4. Public Consultation

Consultation letters were sent to 49 neighbouring properties.

3 responses were received, comprising 3 letters of objection including objection comments from Cllr Rutter.

The objections received can be summarised as follows:

- Loss of light and overshadowing
- Loss of privacy and overlooking
- Noise and disturbance as a result of the development
- Proposal is fundamentally the same as the previous refused application.

The former Councillor Rutter submitted the following comments on behalf of residents:

'Local residents have contacted me recently and informed me that they are unhappy that another new application has been submitted similar to the previous applications which were refused.

The addition of the new front entrance makes no difference and therefore previous concerns still apply.

I note that there will also be additional refuse/recycling store and parking area and wonder where this additional parking area will be especially as parking is limited.

I therefore write to confirm that if you are minded to approve this application, then I would like to bring this application to committee please. The same previous concerns still apply;

- This is a typical case of 'garden grabbing'
- The proposed development is too close to the boundary fence
- Out of character with neighbouring properties
- Overlooking
- Proposed development will cause loss of light to gardens in Pine Road'

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was updated 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. 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.

The Mayor's London Plan 2021

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17.

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:

- The principle of development;
- 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 amenity of future occupants;
- Whether harm would be caused to the living conditions of neighbouring residents; and,
- Whether harm would be caused to the Highway environment

5.3 Assessment of proposals

As mentioned above, this application follows on from two previously refused schemes 18/7550/FUL and 19/3425/FUL, the latter being subject to an appeal decision which was dismissed. The Inspectors decision forms a material planning consideration in the assessment of this scheme and will be referenced accordingly where relevant.

Principle of development

For reference, the following comments were made in the previous two schemes with regards to the principle of development:

'This application proposes to erect a two-storey building on the side garden of no.69

Brunswick Park Gardens, for the purposes of creating four self-contained assisted living units for the Birnbeck Housing Association. The units would serve tenants of the association who have Asperger Syndrome who live independently but receive assistance and support from the association from time to time.

The Birnbeck Housing Association have four properties within Brunswick Park Gardens at nos. 69, 71, 91 and 93. Planning permission for four assisted living units at no.91 was granted in 2015 (ref: 15/02224/FUL). Therefore, it is considered that the principle of self-contained assisted living units within Brunswick Park Gardens has been established. The proposed scheme would not result in the loss of a single-family dwelling, but would rather utilise part of the side garden to no.69 to create additional accommodation. Consequently, given the proposed scheme would not result in the loss of a single-family dwelling and the fact self-contained assisted living units are part of the established character of Brunswick Park Gardens, there would be no in-principle objection to the proposed scheme subject to design, amenity and highways considerations.'

Therefore the above assessment remains valid and the principle of the development remains supported subject to the considerations as set out below.

Residential Amenity

For reference, under the previous two planning applications, the following comments were stated in the officer report with regards to the impact of the proposal on the residential amenity of neighbouring properties:

'Paragraph 2.7.1 of Policy DM01 states that

Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the well-being of the boroughs residents. It is important to ensure that developments do not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook.

It is considered that the proposed development would have an acceptable impact on the residential amenity of neighbouring occupiers by way of outlook, daylight / sunlight and privacy.

Outlook and Daylight / Sunlight:

The applicant has provided a shadowing analysis to assess the impact of the proposed development on the properties at nos. 27 to 33 Pine Road. This assessment shows shadowing resulting from the proposed development on 21 December, 10 February, 21 March and 21 June. The assessment shows significant overshadowing during December and February, but limited, or temporary overshadowing during March and June. The BRE guidance suggests that for an amenity area, like a garden, to appear sunlit throughout the year, at least 50% of the garden or amenity area should receive 2 hours of sunlight on 21st March (21st March is the equinox month and is the set day for testing overshadowing in accordance with the BRE criteria). The shadowing assessment demonstrates that on 21st March, all gardens of the highlighted properties would receive more than the required two hours of sunlight. Based on the above and the fact all highlighted gardens would receive good levels of direct sunlight in the spring and summer months when vegetation is in full bloom and gardens are typically occupied more frequently, it is considered that the proposed development would have an acceptable impact on adjacent gardens by way of

daylight / sunlight.

It is also noted that the rear windows serving habitable rooms at nos. 27 to 33 Pine Road would be set-back from the proposed flank wall by a distance of 20m on average. In view of the highlighted shadowing analysis and the acceptable impact of the proposed development on the rear gardens of nos. 27 to 33 Pine Road, it is considered that the rear windows serving habitable windows at these properties would receive an acceptable level of daylight / sunlight and outlook.

Privacy:

The proposed flank wall contains no windows. Therefore, it is not considered that the proposed development would provide opportunities for direct overlooking into the neighbouring properties at nos. 27 to 33 Pine Road.

There is a distance of 6m from the first-floor front windows and the rear garden of no.71 (10m to the main part of the rear garden). While this would result in some opportunities for overlooking, it is not considered these opportunities are significantly more harmful than those currently available from the first-floor windows of no.69.

In summary, while it is acknowledged that the proposed development will result in an increased level of overshadowing to the rear gardens of nos. 27 to 33 Pine Road, particularly during the winter months, it is considered that the impact is acceptable and in compliance with BRE standards. Indeed, it is considered that each of the adjacent rear gardens and rear windows serving habitable rooms would receive sufficient daylight / sunlight and outlook, particularly in the spring and summer months when the gardens are typically used more frequently. While there will be an increased sense of enclosure given the siting of the proposed flank wall just over 2m from the site boundary with the highlighted gardens, it is not considered that this proximity is so significantly harmful as to warrant a reason for refusal, particularly in view of the shadowing assessment. Lastly, it is considered that the proposed development would be acceptable in relation to privacy and overlooking.'

Based on this assessment, the Council concluded under references no. 18/7550/FUL and 19/3425/FUL that the impact of the proposed building on the residential amenity of neighbouring properties would be acceptable. The proposed design and footprint has not changed in a manner that would alter this assessment, and therefore the Council maintains the position of the preceding applications.

Character and Street Scene

As noted earlier in this report, the previous schemes were refused on character and appearance grounds, the latter scheme 19/3425/FUL was subject to the scrutiny of the Planning Inspectorate in which the appeal was dismissed. The following comments from the Inspector were noted:

Paragraph 4: The proposal is for the erection of a two-storey building attached to the side of No 69. No 69 is a fairly substantial two storey detached building with a central projection spanning both stories. Though both buildings would contain flats, the proposal would have the visual effect of creating a new semi-detached pair with No 69. The proposed building would be slightly narrower than the building at No 69 but would, nevertheless, be of a scale which would be consistent with others in the area.

Paragraph 5: The front door and main entrance to the proposed building would be sited to one side of the building and would have a porch canopy above. Whilst the canopy would be similar to others in the area, no such canopy is present at No 69 and the resultant semi-detached pair would not reflect the symmetry found elsewhere. Moreover, buildings in the area generally have a central entrance which acts as a focal point, adds to the symmetry and creates a strong sense of uniformity. No 69 is such a building and the central entrance projection is the most notable design feature of the building. The proposed building would not reflect this design and would, instead, have an off-centre appearance.

Paragraph 7: As such, in my view, the proposal would create a visually unbalanced pair of buildings which would fail to reflect the prevailing rhythm which characterises the area. I therefore consider that the proposed development would have a discordant appearance within the street scene and would cause harm to the character and appearance of the area.

To this end, the current scheme has sought to directly address the concerns raised by the council and Inspector. The proposed scheme incorporates a deeper new front entrance to the existing building no.69 which is more akin to the depth of front porches on neighbouring buildings. The new build will reflect this centralised front projection mirroring its depth, design and features. The proposed scheme would thus retain a heightened level of symmetry between the existing building and new build appearing duly balanced. Moreover, fenestration proportions, detailing and positioning have been matched within the new build to provide a seamless integration. It is therefore considered that the current submission has acceptably addressed the previous concerns raised by the Inspector.

In respect of the rear elevation, improvements have been made to modestly reduce the width of the rear gable end projection and setting down the ridge height significantly beyond the ridge of the main roof. This aspect would thus read as a subordinate 'addition'.

In conclusion, the revised design within this application has overcome the previous concerns raised and would acceptably integrate with the existing building, streetscene and wider locality.

. Quality of residential accommodation

The London Plan (2021) and Section 2.1 of the Sustainable Design SPD (Oct 2016) set out the minimum internal space requirements for residential units.

The proposal includes the creation of 4 new units consisting of the following:

- Unit 1 (ground floor) - 1b2p GIA 51sqm (required 50sqm)
- Unit 2 (ground floor) - Studio GIA 39sqm (required 39sqm)
- Unit 3 (first floor) - 1b2p GIA 50sqm (required 50sqm)
- Unit 4 (first floor) - Studio GIA 39sqm (required 39sqm)

As set out above, all of the units would meet the required minimum space standards.

Table 2.2 of Barnet's Sustainable Design and Construction SPD (2016) states that bedrooms should meet the following requirements.

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

every other double (or twin) bedroom is at least 2.55m wide.

Both of the double bedrooms within the one bedroom flats would meet these required standards.

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 submitted section drawing demonstrates that all units would meet this requirement.

Light/outlook:

Barnet's Sustainable Design & Construction SPD (2016) section 2.4 states that glazing to all habitable rooms should provide reasonable levels of outlook and daylight / sunlight to all habitable rooms.

All units would be dual aspect with ample glazed areas to ensure an acceptable level of outlook and daylight/sunlight.

Section 2.3 of the Sustainable Design & Construction sets out the minimum external amenity space standards for a flat, which is 5m² per habitable room. The existing rear garden of some 225sqm of useable space is capable of accommodating the required amount for both the existing property at no.69 and the proposed development, thus in compliance with the requirements. Subdivision details of the garden area could be secured by way of a condition.

Highway Impacts

The existing property has 3x off-street car parking spaces which the developer is proposing to scale down to 2x spaces in order to provide improved pedestrian access into the existing property.

The site lies within a PTAL 1a site, which means that there is very poor public transport accessibility to and from the site. According to requirements set out on Policy DM17 of the Barnet Local Plan, the required off-street car parking provision for a proposal such as this is 4 spaces. Therefore the proposed is an under-provision of 4x off-street car parking spaces, plus the loss of 1x of the existing spaces.

Taking into consideration the Transport Statement provided by the applicant within the Design and Access Statement, it is believed that existing car parking provision is under-utilised by existing residents and therefore less parking provision than that required by Policy DM17 of the Barnet Local Plan, is deemed to be required. However, highways consider evidence of this in the form of a car parking survey is required to ensure that any potential overspill of off street car parking is not accommodated on the public highway causing disruption to other local residents and road users.

Subsequently a parking survey was provided demonstrating a minimum spare parking capacity of 13 spaces and therefore adequate to accommodate any potential overspill. Highways thus raise no objection to the proposal.

Cycle Parking:

The plans show a dedicated cycle store within the rear garden accommodating 6 spaces which would be in accordance with the London Plan standards. Cycle store details can be secured through a suitable condition.

Refuse/Recycling:

A dedicated refuse store for the existing and proposed building would be located to the front forecourt of the site which resembles the siting of the existing refuse store and therefore acceptable. Further details of the store can be attained through a condition.

5.4 Response to Public Consultation

In addition to the above assessment, the following comments are made in response to objections received:

- This is a case of garden grabbing and will represent a loss of green spaces. Private garden areas are not considered to be green spaces

-Noise and disturbance as a result of the development

In relation to construction activities, this can be reduced by way of construction management plan secured via a condition. In respect of occupiers, the level of occupiers are modest and considering that these are assisted living units, it is not considered that demonstrable harm would arise to neighbouring occupiers.

-Proposal is fundamentally the same as the previous refused application.

The principle of the development has been previously accepted, the current scheme addresses the sole reason of refusal which related to the design of the new build.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that the proposal would have an acceptable impact on the character and appearance of the host building, streetscene and locality. The proposal is not deemed to adversely impact neighbouring occupiers. This application is therefore recommended for APPROVAL.

