

Location **163 Sunny Gardens Road London NW4 1SG**

Reference: **22/1343/FUL** Received: 14th March 2022
Accepted: 11th April 2022

Ward: Hendon Expiry: 6th June 2022

Case Officer: **John Sperling**

Applicant: Mr M Freundlich

Proposal: Demolition of the existing dwelling and erection of two storey dwelling plus basement level and rooms in the roofspace (Amended Plans and Description)

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:

Preliminary Ecological Appraisal and Preliminary Roost Assessment, Eco Assistance, 09/12/22 v2.1

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) 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.

5 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.

6 Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

d) Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016).

- 7 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.

- 8 Before the building hereby permitted is first occupied the proposed side windows facing Nos 161 and 165 Sunny Gardens Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

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

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development

Management Policies DPD (adopted September 2012).

- 10 a) Notwithstanding the approved plans, 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.

- 11 a) Notwithstanding the approved plans, 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, in the interests of promoting cycling as a mode of transport and to safeguard the visual amenities of the building and surrounding area, in accordance with Policy T5 and Table 10.2 of The London Plan (2021), Barnet's Local Plan Policies CS NPPF, CS1 and CS9 of Core Strategy (Adopted) September 2012, and Policies DM01 and DM17 of Development Management Policies (Adopted) September 2012.

- 12 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 7.21 of the London Plan 2016.

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

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

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016).

- 14 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until details of temporary tree protection have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as 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.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 15 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected

around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

- 16 Prior to occupancy of works at least 1 x Woodcrete bat roost box (or similar alternative) shall be installed onto the newly constructed buildings at least 3m above ground, 1 x Woodstone Build-in House Sparrow Nest Box (or other alternative) shall be installed on the new building at least 3 m above the ground, and at least 2 x insect hotels and 1 x hedgehog box placed on the boundaries of the site in accordance with guidance with 'Designing for Biodiversity A technical guide for new and existing buildings (RIBA) as appropriate. Details on the specifications, location, aspect, and position of these species' enhancement measures shall be submitted by the applicant for approval by the Local Planning Authority.

Pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan.

- 17 Prior to commencement a) details of the location of at least 2 x hedgehog link gap (13cm x 13cm) at the base of the boundary fencing are to be submitted and approved by the local planning authority.

Prior to occupancy the approved hedgehog link must be installed in the base of the boundary fencing to ensure continued access for commuting hedgehogs through the garden. Photographs of the hedgehog gaps are to be submitted as evidence of compliance which shall be approved by the local planning authority.

Pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM01 & DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G5, G6 & G7 of the London Plan.

- 18 Prior to the commencement of information on the specification and provision of a Low Impact Lighting shall be submitted and approved by the local planning authority, the artificial lighting shall be in accordance with Bats Conservation Trust Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series. These details shall ensure adequate protection of inappropriate light spill onto the boundary trees within the adjacent Childs Hill Park.

Reason: To protect bats pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM01 & DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G5, G6 & G7 of the London Plan.

- 19 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.

- 20 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

- 21 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 D6 and D7 of the London Plan 2021.

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

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 submitted Construction Method Statement shall include as a minimum details of:
 - o Site hoarding
 - o Wheel washing
 - o Dust suppression methods and kit to be used
 - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
 - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation
 - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
 - o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

 - o confirmation that all Non Road Mobile Machinery (NRMM) comply with the The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018

- 3 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

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

- 4 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

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

- 5 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.
- 6 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 Licences or email highwayscorrespondence@barnet.gov.uk.
- 7 If any tree / vegetation clearance required to be removed during the active nesting bird season and cannot reasonable be avoided, then a nesting bird check must be conducted prior to commencement of clearance by a suitably qualified ecologist. Any active birds' nest that are discovered are to have an appropriate 5m protective buffer is to be place around the nest and the nest is to be retained until such time that the chicks have fledged.

While it is understood that any vegetation clearance within the site boundary falls

under permitted development there is a risk that nesting birds maybe negatively impact by the proposed clearance works should the works commence during the active nesting bird season. Nesting birds and their active birds' nests are protected from damage of disturbance under the Wildlife and Countryside Act 1981, as amended (section 1). Generally, trees, buildings and scrub may contain nesting birds between 1st March and 31st August inclusive. It is considered that nesting birds are likely to be present between the above dates. You are advised to seek the advice of a competent ecologist prior to undertaking any works which could affect nesting birds during the period outlined above.

- 8 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.

OFFICER'S ASSESSMENT

1. Site Description

The application site is located on the western side of Sunny Gardens Road, consisting of a two-storey detached dwellinghouse with front hardstanding and rear amenity space. The area surrounding the proposed site is primarily residential, consisting of similar two-storey detached residential dwellings with some in the local area benefitting from various extensions. The host dwelling benefits from a single storey side garage and outbuildings to the rear along the boundary with 161 Sunny Gardens Road.

The site is located within the Hendon ward. The site is not within a conservation area, nor is it a listed building.

The site has a PTAL rating of 0.

There are no Tree Preservation Orders on site.

2. Relevant Site History

Reference: 19/4689/PNH

Address: 163 Sunny Gardens Road, London, NW4 1SG

Decision: Withdrawn

Decision Date: 4 October 2019

Description: Single storey rear extension with a proposed depth of 8.00 metres from original rear wall, eaves height of 3.00 metres and maximum height of 3.00 metres.

Reference: 19/4891/192

Address: 163 Sunny Gardens Road, London, NW4 1SG

Decision: Lawful

Decision Date: 3 October 2019

Description: Roof extension, including wrap around dormer. Single storey ground floor rear extension

Reference: 19/5387/HSE

Address: 163 Sunny Gardens Road, London, NW4 1SG

Decision: Approved subject to conditions

Decision Date: 27 December 2019

Description: Part single, part two storey rear and side extension

Reference: 19/8546/QCJ

Address: 163 Sunny Gardens Road, London, NW4 1SG

Decision: Pre-application advice issued

Decision Date: 23 January 2020

Description: Two storey side and rear extension. Dormer window roof extensions and alterations to the front facade of the property.

Reference: 20/0910/HSE

Address: 163 Sunny Gardens Road, London, NW4 1SG

Decision: Approved subject to conditions

Decision Date: 28 April 2020

Description: Part single , part two storey side and rear extension following demolition of existing garage. Loft extension involving side and rear dormer windows. New front porch

Reference: 20/3282/HSE

Address: 163 Sunny Gardens Road, London, NW4 1SG

Decision: Approved subject to conditions

Decision Date: 2 December 2021

Description: Part single, part two storey side and rear extension following demolition of the existing garage. Excavation of a basement level and associated front and rear lightwells. Alterations to front bay windows. Associated alterations and extension to roof including 1no. side and 1no. rear dormer windows. New front porch/canopy (AMENDED PLANS AND DESCRIPTION)

Reference: 21/1739/HSE

Address: 163 Sunny Gardens Road, London, NW4 1SG

Decision: Withdrawn

Decision Date: 10 February 2022

Description: Part single, part two storey side and rear extension following demolition of the existing garage. Excavation of a basement level and associated front and rear lightwells. Alterations to front bay windows. Associated alterations and extension to roof including 1no. side and 1no. rear dormer windows. New front porch/canopy

3. Proposal

This application seeks approval for the 'Demolition of the existing dwelling and erection of two storey dwelling plus basement level and rooms in the roofspace (amended description and drawings).'

Overall, the proposed dwelling would measure a maximum depth of 15.1 metres (including ground floor rear extension. At basement level, the maximum depth would be 19.1 metres. The property would measure a width of 9.8 metres. The rear patio would extend 5.3 metres beyond the ground floor rear extension. From ground level, the eave height and maximum height would be 5.6 metres and 8.7 metres respectively.

The property would benefit from a two-storey pitched element that would be sided on the right side of the property, when viewed from the front elevation. The eave corresponds with that of the property and a maximum height of 7.7 metres. The ground floor and first floor projection would be level and the remaining elements of the ground floor entrance area and first floor front elevation would be set back by 0.76 metres.

To the rear, a lightwell and access steps leading to and from basement/garden area would measure a depth of 6.6 metres and width of 3.2 metres.

At roof level, 2no side dormers and 2no rear dormers are included in the proposal. The side dormers would both measure a depth of 1.8 metres, width of 1.25 metres and height of 1.4 metres. The 2no rear facing dormers would measure a depth of 1.7 metres, width of 1.7 metres and height of 1.33 metres

The overall footprint of the existing property is 124sqm and the proposed footprint would be 200sqm (including all alterations relating to the property but not including front hardstanding). The footprint of the application site boundary is 524.85sqm. The existing and proposed property footprints therefore consist of 23.6% and 38.1% respectively.

The resultant dwelling would provide 7no. large double bedrooms and would benefit from approximately 258.29sqm of private garden amenity space.

The LPA sought amendments to remove the outbuilding following concerns raised by the Council's Ecology officer.

4. Public Consultation

Consultation letters were sent to 26 neighbouring properties

8no objection was received. The comments may be summarised as follows:

- Out of character with existing dwellings in street
- Overwhelming and obtrusive scale of replacement dwelling
- Harmful level of excavations from the basement to neighbours detriment
- Disruption and removal of existing wildlife
- Proposal is not for family home
- Disturbance from demolition and construction process
- Overlooking and light pollution from north elevation onto neighbouring properties
- Loss of privacy
- Lack of parking space

Following amendments to the application, namely the removal of the outbuilding and additional Ecological information, 9no additional objections were received and may be summarised as follows:

- Development still out of character
- Inconsistent with existing dwellings in Sunny Gardens Road
- Insufficient off-street parking space
- Excavations works for basement remains harmful
- Disruption from construction works
- Highways congestion and disruption
- Harm to neighbouring residents
- Overlooking, loss of privacy and light pollution
- Large terrace at first floor level
- Concerns still stand
- Development looks like a multi-residential development

In conjunction with the above, a neighbouring resident called to verbally confirm that their objection comments remain with the amended drawings.

In total, 19no objections have been received for this application.

4.1 Internal Consultation

Highways - no objections subject to conditions

Environmental Health - no objections subject to conditions

Tree - objection to outbuilding and impact on trees and wildlife. The outbuilding was subsequently removed from the scheme. No other concerns were raised with the scheme subject to conditions.

Ecology - objection raised to outbuilding and impact wildlife. The outbuilding was subsequently removed from the scheme. No other concerns were raised with the scheme subject to conditions.

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.

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

There are no in principle objections for a replacement dwelling which re-provides the former detached single family dwelling house. However, any redevelopment of the site however, will need to ensure it accords with the adopted Development Plan.

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.

It is noted that the considerations made under the previously approved householder application differ from the current application in that no assessment concerning subordination relative to the existing dwelling is required due to the demolition of the existing dwelling being proposed. Notwithstanding this, the report will compare the previous and current application where relevant to outline their differences.

The officer notes that the currently proposed dwelling would have a similar appearance to the development previously approved by committee members under planning reference number 20/3282/HSE dated 25.11.2021. The current scheme differs from the previous permission in that:

- Two more prominent rectangular bay windows are included to the right side (both at ground and first floor level) and left side (at ground level only). These features bare a close resemblance to the design of the extant permission. However, no overhanging pitched roof design feature is included to the front elevation so the current feature is considered to create a neater and sympathetic appearance.

- No front canopy is currently proposed which is considered to create a less cluttered front elevation and will preserve the appropriately proportioned front bay features
- Two side dormers are proposed (one to each side) relative to the singular side dormer previously approved is currently included. This addition, by virtue of the sympathetic dimensions and placement within the roof slope is considered to be create a balanced and not overly proportioned appearance from the context of the streetscene
- The front lightwells are exactly proportioned to those previously approved and are considered, by reason of their limited scale and visual manifestation, are also considered to be a discreet intervention. Furthermore, the property is situated approximately 6 metres from the front boundary and therefore the lightwells avoid having a dominant impact on the character of the streetscene.

Overall, the impact of the front elevation of the proposed dwelling is considered suitable within the context of the streetscene and will not deleteriously compete the existing neighbouring properties nor result in a harmful development within the plot.

With regards to the works taking place to the rear elevation of the property, the works are noted to be larger than that previously approved. With that being said, the overall design is noted to be similar. Namely:

- The bulk of the ground and first floor extensions are located to the side closest to No.165 Sunny Gardens Road and would be distanced 3.4 metres from No.161 Sunny Gardens Road.
- The proposal would also involve extending 3 metres beyond the rear wall of No.161, which is 0.4 meters further beyond that approved under the extant permission and compliant with Barnet's Residential Design Guidance (2016) for semi-detached properties.
- The proposed dwelling would not extend any deeper than the extant permission but would, at the projecting element, be wider by 1.5 metres at ground level and first floor level.

Again, without the need for extensions to be subordinate to an existing dwelling, these elements need not be subordinate in the same way the policies the extant permission necessitated. In their own right, these elements are not considered overly bulky or deleteriously proportioned within the context of the dwelling nor that of the wider locality and is therefore considered acceptable.

Also proposed to the rear, two rear dormer windows will be placed. Residential Design Guidance SPD (2016) states that such works must be subordinate features which should not occupy more than half the width or half the depth of the roof slope. All the proposed dormers would comply with this and, namely for those rear facing, be appropriately distanced from each other to avoid creating an unduly bulky appearance and is thus considered acceptable within the site and wider area.

With regards to the patio area, this element would extend 2.3 metres deeper but 1.8 metres less wide to accommodation for the rear access steps leading to and from the basement area. The steps would project 6.6 metres from the ground floor rear wall. Alongside the removal of the rear lightwell, the alterations to the patio and access steps are considered acceptable and is not envisaged to introduce a harmful or inappropriate form of development to the wider area. In terms of the basement level, of which the total depth would be 19.4 metres, is noted to be similar to the extant permission and is not considered harmful.

As such, it is considered that the proposed development would result in a deleteriously harmful impact to the character and appearance of the host site, street scene and wider

locality and thus fails to comply with the policies and expectations outlined in Policy DM01.

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.

The delegated report under planning reference number 20/0910/HSE states the following:

As noted above, the building line on this section of Sunny Gardens Road is staggered such that the properties to the north generally protrude further to the rear than those further south. In keeping with this, the neighbouring property at 165 Sunny Gardens Road, which also benefits from an existing two-storey rear extension along the side closest to the host property, protrudes approximately 8 metres beyond the existing rear wall of the host property.

With this site layout, the neighbouring property of No.165 would still project 2.65 metres from the rear wall of the ground floor element of the proposal. As such, officers do not consider that they would result in any material loss of light, outlook or overbearing to the neighbouring occupiers at No. 165. Regarding overlooking, it is noted that windows are proposed at ground, first and loft level which shall be obscure glazed. Subject to this, officers are satisfied that the proposal would have an acceptable impact on the residential amenities of the neighbouring occupiers at 165 Sunny Gardens Road.

With regards to the impact on the neighbouring residents at No. 161 Sunny Gardens Road the proposal is not considered to harmfully project beyond the respective neighbouring rear wall to result in a harmful impact. The project would be 3 metres at ground level and 2.4 metres at first floor. Alongside this, the deeper elements of the proposal are noted to be sufficiently distanced from the boundary wall to not result in a harmful overbearing impact. Apart from the side dormer window, no other windows are proposed and will be retained as such by way of condition. Subject to this, officers are satisfied that the proposal would have an acceptable impact on the residential amenities of the neighbouring occupiers at 161 Sunny Gardens Road.

The proposed basement extensions and associated lightwells, by reason of their largely concealed nature and limited visual manifestation, are not considered to result in undue detriment to the neighbouring residents in respect of their visual amenity or light pollution.

Therefore, the proposal is considered to remain acceptable in respect of its impact on the neighbouring residential amenity. As such, the proposed development is considered to accord with the policies and expectations outlined in Policy DM01.

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 7 no. double bedrooms across the basement, first floor and loft levels. The double bedrooms would exceed the requirement of measuring 11.5 sqm and would measure more than 2.75 metres in width.

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, would be required to provide more than 138sqm of internal floor space. The proposal exceeds this requirement.

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 floor levels will be minimum of 2.5 metres so this scheme will comply with this requirement.

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.

Table 2.3 of Barnet's Sustainable Design and Construction SPD states that 85 sqm of amenity space would be required. The proposal comfortably meets this standard.

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.

Traffic, parking, cycle parking and refuse/recycling

The LPA's highways department raised no in-principle objection to the scheme subject to further information regarding cycle and refuse parking and storage being secured. This information can be secured by way of conditions, subject to approval.

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

Consultation letters were sent to 26 neighbouring properties

8no objection was received. The comments may be summarised as follows:

- Out of character with existing dwellings in street
- Overwhelming and obtrusive scale of replacement dwelling
- Harmful level of excavations from the basement to neighbours detriment
- Disruption and removal of existing wildlife
- Proposal is not for family home
- Disturbance from demolition and construction process
- Overlooking and light pollution from north elevation onto neighbouring properties
- Loss of privacy
- Lack of parking space

Following amendments to the application, namely the removal of the outbuilding and additional Ecological information, 9no additional objections were received and may be summarised as follows:

- Development still out of character
- Inconsistent with existing dwellings in Sunny Gardens Road
- Insufficient off-street parking space
- Excavations works for basement remains harmful
- Disruption from construction works

- Highways congestion and disruption
- Harm to neighbouring residents
- Overlooking, loss of privacy and light pollution
- Large terrace at first floor level
- Concerns still stand
- Development looks like a multi-residential development

In conjunction with the above, a neighbouring resident called to verbally confirm that their objection comments remain with the amended drawings.

In total, 19no objections have been received for this application.

The above comments were noted by the case officer and, on further review of the considerations of the proposal, find the application to warrant refusal on grounds character, neighbouring amenity, substandard accommodation and lastly highways and ecological grounds. Please see the main body of the report for further detail.

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 considered acceptable and hereby recommended for APPROVAL.

