

Location **Land To The Rear Of 43 Park Road Barnet EN4 9QD**

Reference: **22/4744/FUL** Received: 23rd September 2022
Accepted: 23rd September 2022

Ward: East Barnet Expiry 18th November 2022

Case Officer: **Anestis Skoupras**

Applicant: Mr Eduart Maloku

Proposal: Erection of a new two-storey house with associated amenity space, refuse and cycle storage and off-street parking spaces

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:

Drawings:

2021-43PR-03.000 22 July 2022 Location Plan
2021-43PR-03.001A 18 October 2022 Block Plan
2021-43PR-03.200 22 September 2022 Existing Site Plan
2021-43PR-03.201 22 September 2022 Proposed Floor Plan
2021-43PR-03.202 22 September 2022 Proposed Elevations and section
2021-43PR-03.203 22 September 2022 Proposed Elevations and section
2021-43PR-03.204 22 September 2022 Service Layout
2021-43PR-03.205 22 September 2022 Existing Site Photo's
2021-43PR-03.206 22 September 2022 Security Lighting Layout
2021-43PR-03.207 22 September 2022 Site Levels

2021-43PR-03.208 22 September 2022 Proposed Landscape Design
2021-43PR-03.209 22 September 2022 Proposed Demolition and Construction Set Up
2021-43PR-03.210 9 November 2022 Waste Collection Methods
Planning, Design, Sustainability and Access Statement September 2022
Report on a ground investigation July 2022

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

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

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

- 3 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:
- 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.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan.

4 a) Notwithstanding the details shown on the approved plans 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 The materials to be used for the external surfaces of the building and the hardsurfaced areas shall match those as detailed on drawing nos: 021-43 PR-03.202, 021-43 PR-03.208. .

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).

6 Prior to occupation of the development the proposed parking spaces within the parking area as shown in drawings no.2021-43PR-03.210 submitted with the planning application and the access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all times. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012 and

7 Before the development hereby permitted is occupied the cycle parking spaces and cycle storage facilities shall be provided in accordance with the details shown on dwg.no: 2021-43 PR-03.208 and shall be permanently retained thereafter and shall not be used for any other purpose other than for the parking of cycles associated

with the development.

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.

- 8 Prior to occupation of the development refuse and recycling storage and refuse collection must be provided in accordance with drawing number 2021-43PR-03.210 and retained as such thereafter.

Reason: In the interest of highway safety 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) Notwithstanding the details shown on the approved plans 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), and the Sustainable Design and Construction SPD (adopted October 2016).

- 10 a) Notwithstanding the details shown on the approved plans 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 G7 of the London Plan 2021.

11 a) Notwithstanding the details shown on the approved plans 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), and Policy DM01 of the Development Management Policies DPD (adopted September 2012).

12 Prior to first occupation of the development hereby approved, the following ecological enhancement measures shall be installed:

- a) at least 1 Integrated Bat Box (or similar bat roost box) shall be installed within the proposed building construction a minimum of 3m above the ground,
- b) 1 x 1B Swift box (or Schwegler bird nest box) shall be installed onto the newly constructed building (as appropriate),
- c) 1 x Schwegler Clay and Reed Insect Nest to be installed within the proposed boundary treatment.

These features shall be installed in line 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.

Reason: To enhance biodiversity 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 2021.

- 13 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.

- 14 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

- 15 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies D6 and D7 of the London Plan 2021.

- 16 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/>

Reason: In the interest of good air quality in accordance with Policy DM04 of the Barnet Local Plan Development Management Policies (2012) and Policy SI1 of the London Plan 2021.

- 17 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, B, D, E, or F of Part 1 of Schedule 2 of that Order shall be carried out within the area of the development hereby approved.

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

- 18 Prior to occupancy at least 2 x hedgehog highways (13cm x 13cm gaps) at the base of the boundary fencing shall be provided (one on each side boundary in the rear garden) and shall be retained thereafter.

Reason: To enhance biodiversity 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

- 19 Notwithstanding the details shown on the approved drawings, before the building hereby permitted is first occupied details of the external lighting shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the visual amenities of neighbouring occupiers and the locality in accordance with Policies DM01 and DM04 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted October 2016) and Sustainable Design and Construction SPD (adopted October 2016).

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. A pre-application advice service is also offered. 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.

- 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 This Notice relates solely to a planning decision and does not purport to convey any approval or consent which may be required under the Building Regulations or any other statutory purpose.

For more information about making a Building Regulations application, please contact the Barnet Council Building Control team by email: building.control@barnet.gov.uk, telephone: 0208 359 4500, or see our website at www.barnet.gov.uk/building-control.

- 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](mailto:highwayscorrespondence@barnet.gov.uk)

- 7 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 Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.
 - o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

- 8 In the unlikely event of any protected species (e.g. hedgehogs, reptiles, amphibians) being found works must stop and the project ecologist consulted and the correct level of additional surveys and mitigation applied including any licences to be approved and issued by the Natural England (if required). Following the appropriate level of intervention the approved works may resume.

- 9 The soft landscaping of amenity gardens is advised to consist of species rich seed mix or turf. This mix should consist of a ratio of 70/30 native grass to flowering plants as such flowering plant species and grasses provide high value to pollinating insects including bees, butterflies. An example of a potential species rich meadow seeding mix includes Boston Seed Dual Purposed Wildflower Meadow Seed Mix

BSXM 70/30 and for the amenity lawn Emorsate Seed Strong Lawn Grass Mixture EG22. Any proposed tree and shrub planting should incorporate native species and consist of native berry producing shrub species such as hawthorn, blackthorn, spindle, field maple, hazel, and hornbeam. A best practice approach would be to apply a '10-20-30' formula to develop a diverse tree/hedge population - no more than 10% of any species, 20% of any genus or 30% of any family. These species will provide ideal foraging and sheltering habitats for a variety of species including nesting birds, invertebrates, and foraging mammals.

Night scented plants should also be included into a detailed planting schedule where feasible. An extensive list of suitable plant species can be found on the RHS advice page <https://www.rhs.org.uk/advice/pdfs/plants-for-bats.pdf>. The provision of bat friendly planting is in Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan. The LPA anticipates that provision both species rich planting to compensate the loss of individual trees and shrubs, and the inclusion of species enhancement measures will be sufficient to provide a net benefit to biodiversity.

OFFICER'S ASSESSMENT

1. Site Description

The application site comprises a plot of land situated on the northern side of the rear garden of No.43 Park Road, adjacent to no.7 Appletree Gardens which forms a cul-de sac.

No.7 Appletree Gardens is the end property in a terrace of three. Appletree Gardens is a development set to the rear of largely three storey flatted buildings which front Park Road. It has its own access from Park Road and comprises two storey pairs of semi-detached dwellings and rows of three terraced properties. The properties are all broadly similar in design, with ground floor bay windows and porch canopy roofs, dormer-type roofs above the first-floor windows, with gable ends, and a regular pattern of red-brick and yellow-brick groupings. The properties are arranged fronting a large area of hardstanding to provide parking. Appletree Gardens was constructed following the approval of planning permission in 1989 for a scheme including the flatted development fronting Park Road and the two storey dwellings in Appletree Gardens.

The area is characterised as residential. The site is not situated within a Conservation Area, nor does it fall within the curtilage of a listed building.

It is noted that the plot of land which the application relates to, has been physically separated from the original no.43 Park Road in 2013, with its own freehold title in 2022 (Title NGL757206). The right to access the application site has been granted by way of a legal easement with the freeholders of the adjacent site of Appletree Gardens (AGL77765).

2. Site History

Reference: 22/4300/FUL

Address: Land To The Rear Of 43 Park Road, Barnet EN4 9QD

Decision: Withdrawn
Decision Date: 16.09.2022
Description: Single storey rear extension

Reference: 22/3802/NMA
Address: 43B Park Road, Barnet EN4 9QD
Decision: Refused
Decision Date: 16.08.2022
Description: Non-material amendments to planning permission reference B/00953/14 dated 14/04/14 for 'Erection of a new two-storey house with associated car parking and amenity space.' Amendments include replacement of conservatory with brick extension.

Reference: 17/1408/CON
Address: Land To The Rear Of 43 Park Road, Barnet, Herts, EN4 9QD
Decision: Approve
Decision Date: 30.03.2017
Description Submission of detail of condition 4 (Materials) pursuant to planning permission B/00953/14 dated 09/04/14

Reference: 17/0371/CON
Address: Land To The Rear Of 43 Park Road, Barnet, Herts, EN4 9QD
Decision: Approved
Decision Date: 06/03/2017
Description Submission of details of condition 6 (Refuse) 7 (Landscaping) 12 (Demolition and Construction Method Statement) 13 (Levels) pursuant to planning permission B/00953/14 dated 09/04/14

Reference: B/00953/14
Address: Land To The Rear Of 43 Park Road, Barnet, Herts, EN4 9QD
Decision: Approve subject to conditions
Decision Date: 09/04/2014
Description Erection of a new two-storey house with associated car parking and amenity space.

Reference: B/04233/13
Address: R/O 43 Park Road, Barnet, Herts, EN4 9QD
Decision: Refuse
Decision Date: 07/11/2013
Description: Erection of 1no. two storey dwellinghouse including 2no. off-street parking and hard/soft landscaping.
The reasons for refusal included:
1) Detached and discordant feature in the street scene which would not preserve or enhance local character, respect the pattern of surrounding buildings or safeguard trees.
2) Substandard internal floor area and room sizes.
3) Unsatisfactory parking provision for future occupants.

Reference: N09102A
Address: r/o 43B Park Road, New Barnet
Decision: Refuse
Decision Date: 23/08/1999
Description: Erection of detached three-bedroom house with 2 parking spaces (outline).

The application was refused on the following grounds:

- 1) Proposal would result in loss of rear garden amenity space of 43b Park Road.
- 2) Result in backland development, creating a poor residential environment, detrimental to residential and visual amenities of occupiers of neighbouring properties

3. Proposal

Planning permission is sought for the proposed erection of a new two-storey house with associated amenity space, refuse and cycle storage and off-street parking.

The proposal involves the erection of a two-storey detached gable ended dwelling house which would measure 5.5m in width, with a maximum depth of 11m (including a ground floor rear extension measuring 3.5m deep), with a ridge height of 7.55m and eaves' height of 5m. A rear patio would extend 2.4 metres beyond the ground floor rear extension. It would be set approximately 1.1 metres off the common boundary with No. 7 Appletree Gardens and 0.87 metres from the boundary with No. 41 Park Road. The proposal would be of a similar design of the other dwelling houses in Appletree Gardens.

The proposal would result in the creation of a 2 bed single-family dwelling house with a Gross Internal Area of 86 sqm. It would provide a private front and rear garden. The rear garden (including the patio) would provide some 37sqm of private amenity space and the front garden some 50 sqm. 2nos off-street parking spaces would be provided with direct access from Appletree Gardens. Bin stores and cycle storage are also proposed to the front of the dwelling house.

4. Public Consultation

Consultation letters were sent to 84 neighbouring occupiers. 6 objections have been received, summarised below:

- Overcrowding and strain on utilities and local services
- Overlooking and privacy issues
- Building works already started on site and question why work has already commenced
- Noise and disturbance
- Impact of construction works causing damage
- Objection due to access coming from the car park
- Parking issues
- Disruption due to the new access creation
- Privacy issues
- The build will block the light in no 45 Park Road
- Risk of flooding due to clay soil's existence and cutting down trees.
- Request that very fast growing tall trees be reinstated to the fence where the car park area is located.
- Impact to the wildlife.

4.1 Internal Consultation

Comments from the Highways, Environmental Health, Trees and Landscaping and Ecology officers are included within the main body of the report.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The revised National Planning Policy Framework (NPPF) was published on 20th July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the 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 Plan sets out the mayor's overarching strategic planning framework for the next 20 to 25 years and was adopted on the 2nd March 2021 and supersedes the previous Plan.

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. 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. Chapter 3 sets out a suite of policies relating to design and amenity with policies D3, D4 and D5 insisting on the delivery of high-quality inclusive design without compromising existing residential amenity.

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, DM03, DM04, DM08, DM16, DM17

The Council's approach to development 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 (Reg 22) 2021

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Part 2 of the SPD sets out the general guidelines for new residential development.

- All new proposed design should relate to its setting and local character and be of an appropriate density;
- All proposals for new development should complement or improve the character of the area through its appearance, architectural detailing, siting, use of materials, layout and integration with surrounding land, boundaries, building lines, setbacks, fronts and backs; and
- Be designed to ensure the provision of sufficient privacy, minimisation of overlooking between surrounding dwellings and orientation of buildings to maximise sunlight and daylight and do not reduce the amenity value of neighbouring occupiers.

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:

- i. The principle of the development in this location
- ii. Whether harm would be caused to the character and appearance of the area.
- iii. Whether the proposal provides satisfactory living accommodation for future occupiers.
- iv. The impact on the amenities of neighbouring occupiers.

- v. Impact on parking and highways.
- vi. Cycle Storage.
- vii. Refuse and recycling storage.
- viii. Accessibility and Sustainability.
- ix. Ecology and Sustainability

5.3 Assessment of proposals

i. Principle of the development in this location

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

Previously applications for a new detached house have been submitted on the site. Two of these were refused. The second refusal related to application Ref No. B/04233/13, which was refused for three reasons:

1. That the proposed dwelling, by reason of its detached form, its siting and its lack of connectivity with the adjacent housing estate from which it would be accessed would appear as a detached and discordant feature which would not preserve or enhance local character, respect the pattern of surrounding buildings, and would not safeguard trees.
2. The proposed dwelling would not provide a satisfactory level of amenity for future occupants.
3. The proposed development would not provide for satisfactory off-street parking and access.

A revised application (B/00953/14) was subsequently submitted which Officers considered overcame the reasons for refusal 2 and 3. However, it was still considered that the proposal would adversely affect the character and appearance of the locality and would cause damage to the trees and the loss of trees would cause further detriment to the character and appearance of the area. Subsequently refusal of the application was recommended. This recommendation was overturned by the Committee and approval was subsequently granted for a detached two bedroom house on the site.

The current application is for a new dwelling of a similar scale and design to that approved. Since the Officer's original recommendation, the London Plan 2021 has been adopted. Within this Plan Policy GG2 seeks to ensure that development explores the potential to intensify the use of land to support additional homes.

A further policy, Policy H2 has been introduced which relates to the development of 'Small sites'. Paragraph 4.2.1 stipulates that increasing the rate of housing delivery from small sites is a strategic priority. The small sites minimum target, as shown in table 4.2 of the London Plan 2021, shows a number of 4,340 net housing completions on small sites (below 0.25 hectares in size) for the 10 year target period (2019/20-2028/29) for Barnet.

Part B of Policy H2 states that Borough's should:

"recognise in their development Plans that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites"

The application site would represent such a small site to which the policy applies, being up to 0.25 hectares, an infill garden development and located within 800m of a railway station. It is considered that some weight should be attached to policy H2 when determining the application. A further material consideration includes that (following a site visit and from viewing building control records) it would appear that works relating to the previous permission B/00953/14 for a new dwelling house have started on site, although they have currently ceased. The works have resulted in the site being cleared with many of the trees being removed from the site.

By virtue of the approved planning permission being implemented this has enabled the principle of the development to be established. This principle is further supported by the introduction of Policy H2 of the London Plan 2021.

ii. Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the site's context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), D1, D3 and D6 (of the London Plan).

Policy D6 of the London Plan states that Housing development should be of high-quality and provide adequately-sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures.

The proposed building will be a two-storey two bed single family dwelling house. The current proposal differs from the previous consent ref B/00953/14 as following:

- The construction of a single storey rear extension would be 1 metre deeper and finished with brickwork and a gable end, as opposed to a conservatory style single storey rear projection. It would measure some 0.12m higher to the ridge.
- Improved technical design package to offer improved U-values and foundations.
- the inclusion of an electric charging point, storage for 4 bicycles, an Air Source Heat Pump and soakaway for rainwater retention and rainwater harvesting.

The building would therefore be of a similar size and design, albeit 1 metre deeper and slightly higher than the previous approval. Previously Officers raised concerns that the width of the dwelling did not reflect the proportions and appearance of the neighbouring properties, and additionally the detached nature and siting at the edge of the existing development would appear as an uncharacteristic addition to the main development. The parking layout and landscaped front garden was further considered to appear visually separate and discordant with the character and appearance of the street scene, thus the proposal was considered to adversely affect the character and appearance of the locality.

Furthermore, Officers raised concerns that the proposed house would be positioned within the root protection area of a number of trees located within the neighbouring gardens and trees would be removed to create the vehicle access. The damage to the trees and the loss of the trees were considered to cause further detriment to the character and appearance of the area.

The current proposal would be of a similar design and sited within the site at the same position with the car parking and landscaped front garden remaining the same. Therefore, the proportions of the building would still be larger than the neighbouring terraced

properties which provide the context of the site, and the parking would remain in the same position. In terms of design the proposal would however be of a similar design to the properties in Appletree Gardens with the front elevation of the proposed dwelling replicating the design of the bay window and entrance door location of the neighbouring properties. The house would be finished with brickwork and a pitched tiled roof to match the appearance of the adjoining houses.

In weighing up the merits of the proposal it is important to be mindful of changes in circumstances relating to the site including taking account of current planning policies and other material considerations. In this regard although the current scheme is similar in siting, design and size to the scheme Officer's previously recommended for refusal given the change in direction of policy through the "small sites" policy and significantly that the previously granted application has started to be implemented, including the site being cleared, the concerns previously raised by officers have been outweighed. As such the proposal on balance is not now considered to be detrimental to the character and appearance of the locality.

In relation to the loss of trees on the site a landscaping condition is proposed to ensure adequate replacement planting is provided.

iii. Whether the proposal provides satisfactory living conditions for future occupiers

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough.

Floorspace standards:

The London Plan sets a minimum Gross Internal Floor Area for units based on standards set for the number of bedrooms and persons-bedspaces. A 2 bed, 3 person unit over 2 storeys requires 70sqm.

Table 3.3: Internal layout and design requirements of Barnet's Sustainable Design SPD (Oct 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.

The proposed dwelling house complies with the minimum standards for internal space.

Outlook, light and privacy:

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

The Sustainable Design and Construction SPD states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room. The upper bedrooms fall short of 20% requirement, however the fenestration has been designed to reflect the adjoining properties. Additionally given the house is dual-aspect, with the ground floor exceeding the 20% requirement, on balance it is considered that the property benefits from adequate levels of light and outlook.

Headroom/internal height:

The Sustainable Design and Construction SPD also states that a minimum ceiling height of 2.5 metres for at least 75% of the dwelling area is required. Although the first floor would

have a ceiling height of 2.4 metres it is considered as the height of the dwelling house would be similar to that of the adjoining properties (although it's ridge would read as being slightly lower than the adjoining neighbour due to it following the natural downward slope of the land)and the ground floor would meet the requirement, the slight non compliance in ceiling height would on balance be acceptable. it is considered that the application could not be refused on this alone.

Outdoor amenity space:

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for houses which comprise 5 habitable rooms (it is noted that for the purposes of this application the living, kitchen and dining room, although designed as an open plan area, are considered to count for three different habitable rooms), outdoor amenity space should be at least 55 m².

The proposal will provide 37 sq metres of rear amenity space. A further 50 sq metres would be provided to the front. This would be enclosed and be adjacent to the rear garden of 43 Park Road and is therefore considered to be useable outdoor amenity space. The provision also replicates the previous scheme and as such it is considered sufficient amenity space would therefore be provided.

Overall, the proposal is considered to provide an adequate quality of accommodation for future occupiers, in accordance with Policies DM01, DM02 of the Local Plan 2012, and the Sustainable Design and Construction SPD.

iv. The impact on the amenities of neighbouring occupiers

Policy DM01 of the Local Plan states that any schemes must protect the amenity of neighbouring residents. It is necessary to assess the impact of all new development on neighbouring amenity, including impact on light, outlook, privacy and whether the proposal would be overbearing.

The proposed dwelling has been sited such that it would not appear overbearing, given the distance from the boundaries. The single storey rear projection would project some 3m beyond No. 7 Appletree Garden's rear building line. This depth is considered not to be detrimental to No. 7's amenities given that generally an extension of 4 metres is acceptable when extending detached houses, as outlined in the Residential Guidelines SPD (2016).

No windows are proposed at first floor in the flank elevations and the position of windows within the dwelling would be commensurate with the relationship between neighbouring windows and to other properties. A significant distance of approximately 40 m between the rear building line of No.43 Park Road and the proposed building's front principal wall would remain and the distance of approximately 25m from the rear elevation of No.20 Fordham Road's rear elevation. As such the proposal would not cause harm to the amenities of the occupants of any neighbouring property.

v. Parking and highways

Highway officers have reviewed the proposal and raise no objection subject to conditions and informatives. It was noted however that Appletree Gardens is not part of the adopted highway, it is privately maintained and as such permission from the landowner to use Appletree Gardens as access to the site is required. This has been obtained. The Highway's Officer also commented that the proposed vehicular access to off-street car

parking bays should be maximum of 4.2m wide, which would be the case. The parking arrangement is the same as the previously approved application on the site. It would not result in the loss of parking to Appletree Gardens and would be independently accessible. As such parking provision is considered acceptable.

vi. Cycle Storage.

Cycle parking needs to be provided in accordance with the requirement of the London Plan cycle parking standards. For the proposed development, a minimum of 2x cycle parking spaces are required. The plans indicate that cycle storage would be provided in the front garden. Cycle parking should be provided in a secure, covered, lockable and enclosed compound. A timber covered cycle facility will be provide. A condition, has been attached to ensure it is provided and maintained.

vii. Refuse and recycling storage.

Refuse and recycling storage would be provided in the front garden. A condition has been attached to secure the location and the details of the storage to be provided to ensure compliance with relevant policies.

viii. Accessibility and Sustainability

The application scheme is required by Policies D6 of the London Plan 2021 to meet Building Regulation requirement M4(2). A condition has been attached to ensure compliance with these Policies in the event of an approval.

Further conditions are also recommended, subject to approval 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.

ix. Trees and biodiversity

The Trees and Landscaping Officer acknowledges that all the trees removed on site have been previously approved for removal under B/00953/14. As implementation of the previous permission has commenced, with the foundations now dug and concrete poured, the impact on the trees growing on the adjoining land is broadly acceptable.

The Trees and Landscaping Officer further comments that in accordance with local policy DM01 there should be a landscape plan that provides a high quality landscape around the development that seeks of offset the loss of trees for this development that builds on the landscape plan approved under the conditions application 17/0371/CON. As such a landscaping condition has been attached, subject to approval.

The Ecology Officer comments, because the 2014 approval is extant, the site was subject to lawful vegetation clearance, and as such the impact on ecology is considered acceptable. The differences in the scheme would have no material additional impact to ecology and protected species in and around the site to justify further survey or ecology effort to support this application. In light of the original application being effectively valid a retrospective Preliminary Ecological Appraisal (PEA) will not be required to support the current application under determination.

Had the original 2014 application lapsed then the application under consideration would have been subject to a request for a baseline ecological survey as effectively no lawful vegetation clearance would have been undertaken and thereby consideration would need to have been made regarding protected and notable species. Therefore, to ensure that the

development is in line 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, and the principles outlined within the Environment Act 2021 (as amended) it is recommended that should the application under consideration be approved, conditions are imposed to ensure the current scheme provides improvements to the ecology and wildlife compared to the approved one.

5.4 Response to Public Consultation

o Overcrowding, noise and disturbance

Given the mixed character of the area including single family dwellings and flat developments, it is not considered that the addition of the proposed single family dwelling house would have an unacceptable impact on the amenity of neighbouring occupiers with regards to the noise and disturbance resulting from the proposed use.

o Parking issues, disruption due to new access creation.

Highways officers have reviewed the application and have raised no objection to the proposal on highways grounds.

o Impact of construction work causing damage, noise and dust

A pre-commencement condition will be attached to request the submission of a Construction and Management Plan. The condition must be discharged to ensure that the proposed development is implemented in accordance with measures detailed within the Construction Management Plan.

o Block light to no.45 Park Road, overlooking and privacy issues to the other neighbouring properties

This has been covered in the main body of the report. Furthermore, the previous application was found to have an acceptable impact on neighbour amenity, and this did not form a reason for refusal.

o Flood risk due to clay soil's existence and cutting down trees; Fast growing, tall trees should be reinstated to the fence where the car park area is located.

The application site is located within Flood Zone 1 and in an area with very low risk of surface water flooding. The tree officer has been consulted as part of the application. A set of conditions are proposed to ensure that the loss of trees is sufficiently mitigated through replanting.

o Light pollution

The proposed development is set sufficiently from neighbouring properties so as not to result in undue light pollution. A condition has been added regarding the submission of details of the proposed external lighting.

o Building works already started on site

The building works started on site relate to the previously approved scheme, approved by virtue of application ref. B/00953/14

o Strain on utilities and local services

The strain on service utilities, gas, electric, water and sewage fall outside of the scope of material planning considerations.

o Impact to the wildlife

The application ref. B/00953/14 has begun to be implemented and a scheme for

landscaping has been approved under application ref.17/0371/CON. The Council's Tree's Officer and Ecology and Sustainability Officers do not object to the current proposal subject to the imposition of conditions to ensure that the current scheme provides improvements to the ecology and wildlife compared to the approved one.

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 proposed development would have an acceptable impact on the character and appearance of the application site and the general locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

