

**Location** **45 Woodstock Road London NW11 8ES**

**Reference:** **20/1930/FUL** Received: 24th April 2020  
Accepted: 29th April 2020

Ward: Childs Hill Expiry 24th June 2020

**Case Officer:** **Shay Bugler**

Applicant: Mr Simon Hayek

Proposal: Erection of single storey 3-bedroom dwelling with rooms in the basement level. Provision of 1no. off-street parking space, hard/soft landscaping, associated amenity space, refuse and cycle storage

### **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 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.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - o 0414-PL-002 Rev F Site Plan
  - o 0414-PL112 Rev A Existing ground floor
  - o 0414-PL211 Rev H Proposed basement

- o 0414-PL212 Rev L Proposed ground floor
- o 0414-PL213 Rev G Proposed roof plan
- o 0414-PL221 Rev F Proposed front elevation
- o 0414-PL222 Rev C Proposed rear elevation
- o 0414-PL223 Rev C Proposed north elevation
- o 0414-PL224 Rev C Proposed south elevation
- o 0414-PL231 Rev F Proposed Section AA
- o 0414-PL232 Rev F Proposed Section BB
- o 0414-PL233 Rev F Proposed Section CC
- o 0414-PL234 Rev A Proposed Section DD
- o 918492\_4 "Boundary as set out"
- o Design and Access Statement by Urban Infill London dated 24 April 2020
- o Planning Statement by Henry Planning Consultants and Development
- o Sustainability Statement by Henry Planning Consultancy and Development

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).

- 3 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.

- 4 a) Prior to occupation, full details of refuse storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority.

b) The development thereafter shall only be operated in accordance with the approved refuse storage and collection arrangements.

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.

- 5 No site works including demolition or construction work shall commence until a

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 Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

1. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
2. site preparation and construction stages of the development;
3. 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;
4. 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;
5. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
6. 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;
7. noise mitigation measures for all plant and processors;
8. details of contractor's compound and car parking arrangements;
9. Details of interim car parking management arrangements for the duration of construction;
10. Details of a community liaison contact for the duration of all works associated with the development.
11. Provision of a competent banksman.

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 and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 6
- a) The site shall not be brought into use or first occupied until details of the means of enclosure, including 1.8m high fencing panels would be erected along the boundaries to the rear of the site, have been submitted to and approved in writing by the Local Planning Authority.
  - b) The treatment of boundaries should be permeable to species such as hedgehogs (*Erinaceus europaeus*) and common toad (*Bufo bufo*), with the introduction of a minimum of 1no 13 x 13cm ground level access 'hedgehog hole' between the application site and each neighbouring piece of land to enable connections and prevent the fragmentation of habitat
  - c) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with

Policies DM01, DM03, DM16, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 7 Prior to the first occupation of the development, the applicant shall have entered into a s184 Agreement with the Council's Local Highways Authority to reinstate the existing access to the site and all off-site highway works shall have been completed to the satisfaction of the Local Highway Authority.

Reason: To ensure that the proposed development does not prejudice access to the permitted points in the interest of the flow of traffic and conditions of general road and highway safety on the adjoining highway in accordance with Policies DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS9 of the Local Plan Core Strategy (adopted September 2012).

- 8 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

- 9 No parts of the roof of each floor shall be used as balcony, amenity or sitting out area, unless shown as such on the approved drawings.

Reason: To safeguard neighbouring amenity in accordance with Policy DM01 of the Development Management Policies DPD (Adopted) September 2012.

- 10 a) Prior to occupation of the development, full details of planting to the sedum roof shall be submitted to and approved by the Local Planning authority in writing.

b) The details approved shall be implemented and retained thereafter.

Reason: In the interest of biodiversity onsite and to safeguard neighbouring amenity in accordance with Policies G6 of the London Plan; DM01 and DM16 of the Development Management Document (2012).

- 11 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.

- 12 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side and rear elevations.

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).

- 13 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 G5 and G7 of the London Plan 2021.

- 14 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 to E of Part 1 of Schedule 2 of that Order shall be carried out within the area of the dwellinghouse hereby approved.

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

- 15 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which

achieve an improvement of not less than 10% in carbon dioxide emissions 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 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 16 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 wholesome 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. Any use of grey water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

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), Policy SI 5 of the London Plan 2021 and Barnet's Sustainable Design and Construction SPD (2016).

- 17 No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement." Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, RG1 8DB.

- 18 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the

development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.13 and 5.14 of the London Plan 2016.

19 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards, 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.

20 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 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

## Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

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

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



If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

Further details and the application form can be downloaded from:

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

- 4 "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) . Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.
- 5 Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>.
- 6 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 7 Surface of the highway and any gullies or drains nearby must be protected with

plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

- 8 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via [crossovers@barnet.gov.uk](mailto:crossovers@barnet.gov.uk).

The applicant shall enter into a s184 Agreement with the Council's Local Highways Authority to reinstate the existing access to the site.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The site is located on a piece of land to the rear of 45 Woodstock Road, which is a corner site and was formerly occupied by garages. The site has frontage onto Armitage Road.

The site is located in an area where controlled parking measures are in place. The site has a Public Transport Accessibility Level (PTAL rating) of 6a, which means it has excellent access to public transport. The site is located within walking distance (approximately 5-7 minutes) to Golders Green tube station. The site is not located within a Town Centre.

The site is bounded by the garden areas to properties at no's 43 & 45 Woodstock Road and no's 47 & 49 The Ridgeway. Within the garden of 43 Woodstock Road and 49 The Ridgeway, there are single storey garages adjacent to the application site. Both Woodstock Road and The Ridgeway are predominantly characterised by two storey residential dwellings.

The site does not contain any listed buildings and is not located within a Conservation Area. It is located in a low flood risk zone (flood risk zone 1).

### **2. Site History**

Ref no: 16/0749/S73

Description of development: Variation of condition 1 (Approved plans) of planning

permission 15/00573/FUL dated 19/03/15 for 'Demolition of existing garages and erection of single storey dwelling including lower ground floor level. Provision of 1no. off-street parking space, hard/soft landscaping, refuse and cycle storage.' Variation to include enlargement of ground floor to provide extra living space.

Decision: Refused

Decision date: 11.04.2016

Reason for Refusal: The development by reason of the size of the enlarged ground floor and the resultant size, siting and bulk of the proposed building would result in a cramped form of development and overly dominant addition which would represent an overdevelopment of the site which would fail to respect the established character and appearance of the area and of the site, contrary to policies 3.5, 7.4 and 7.6 of the London Plan (Adopted 2011 and 2013), policy CS5 of the Barnet Core Strategy (Adopted September 2012), policy DM01 of the Local Plan Development Management Policies (2012) and Residential Design Guidance SPD (April 2013).

Ref no: 16/0747/S73

Description of development: Variation of condition 1 (Approved plans) of planning permission 15/00573/FUL dated 19/03/15 for 'Demolition of existing garages and erection of single storey dwelling including lower ground floor level. Provision of 1no. off-street parking space, hard/soft landscaping, refuse and cycle storage.' Variation to include enlargement of basement level to provide extra lower ground floor living space

Decision: Approved subject of conditions

Decision date: 11.04.2016

Ref no: 18/7440/CON

Description of development: Submission of details of condition 3 (Levels) pursuant to planning permission 16/0747/S73 dated 18/04/16

Decision: Approved

Decision date: 09.01.2019

Ref no: 15/04402/S73

Description of development: Variation of Condition 1 (approved plans) for planning permission 15/00573/FUL (Demolition of existing garages and erection of single storey dwelling including lower ground floor level. Provision of 1no. off-street parking space, hard/soft landscaping, refuse and cycle storage) dated 19/03/2015. Variations to include addition and relocation of car parking spaces, alterations to lower ground and ground floors including extensions following relocation of lightwell

Decision: Refused. Appeal dismissed

Decision date: 23.10.2015

Reference: 15/01527/FUL

Description: Insertion of lightwell to existing basement

Decision: Approved subject to conditions

Decision Date: 10.07.2015

Reference: 15/00573/FUL

Description: Demolition of existing garages and erection of single storey dwelling including lower ground floor level. Provision of 1no. off-street parking space, hard/soft landscaping, refuse and cycle storage

Decision: Approved subject to conditions

Decision Date: 19.03.2015

Reference: F/04378/14

Description: Creation of new basement level including side and rear light wells beneath two existing ground floor apartments.

Decision: Approved subject to conditions

Decision Date: 21 October 2014

Reference: F/01616/14

Description: Creation of a new basement level including side and rear light wells, changes of hard and soft landscape and creation of new decking to side and rear elevation.

Decision: Withdrawn

Decision Date: 23 May 2014

Reference: F/00575/14

Description: Demolition of existing garages and erection of a two storey dwellinghouse at ground and lower ground levels. Provision of 1no. off-street parking space, associated amenity space, refuse and cycle storage.

Decision: Refused. Appeal dismissed

Decision Date: 9 April 2014

Reference: F/01569/14

Description: First floor rear extension.

Decision: Refused

Decision Date: 29 May 2014

Reference: F/01611/10

Description: Retention of conversion of ground floor flat into 2 self-contained residential units.

Decision: Lawful

Decision Date: 24 June 2010

Reference: C01997F/07

Description: Erection of two studio apartments following demolition of existing garages.

Decision: Refused. Appeal dismissed

Decision Date: 12 February 2008

Reference: C01997D/06

Description: Erection of four studio apartments following demolition of existing garages.

Decision: Refused

Decision Date: 2 February 2007

### **3. Proposal**

The proposal is for the demolition of three single storey garages and erection of a dwellinghouse, comprising of a lower ground floor and ground floor. The dwelling would appear as a single storey from street level, which viewed from Armtage Road. The proposal would have a flat roof to a height of approximately 2.43m when measured from street level.

The proposed three bedrooms and study room are located in the lower ground floor, with single aspect west facing windows (towards Armtage Road). The bedrooms would have access to a courtyard/private amenity area of approximately 25 sqm. The proposed living/kitchen/dining room is located on ground floor. The ground floor also includes privacy

amenity area.

The proposal includes 1 x no car parking space, accessed via Armtage Road.

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

Consultation letters were sent to 81 letters on 27.05.2020 and advertised onsite (site notice) on 07.05.2020

9 objections, were received on the original consultation.

Following public consultation, the applicant amended the drawings to show the garages to the neighbouring properties, and provide more details within the drawings. Re-consultation letters were sent on 31 October 2022.

7 objections were received on the re-consultation, 3 of which have previously provided representation to the LPA. As such, there were 4 new local residents who raised objections.

The objections received can be summarised as follows:

- o There are outstanding boundary disputes with neighbouring properties;
- o Omission on the original submitted drawings. The drawings do not show London Plane Tree; and sheds at no 43 Woodstock Road, and no 49 The Ridgeway Road;
- o The proposed design, including siting; footprint; height; scale of development would have a detrimental impact on the character and appearance of the site, and local area;
- o Detrimental impact on the nearby residential properties and gardens, including properties at no's 41, 43 & 45 Woodstock Road, and no's 47 & 49 The Ridgeway;
- o Loss of garden space to the existing property at no 45 Woodstock road;
- o Increase in noise and air pollution;
- o Additional car onsite would exaggerate the problems associated with congestion and highway safety;
- o The site boundary has been moved and the proposed position of the flank wall of the new house, takes in land and buildings that belong to no's 47 & 49 The Ridgeway;
- o The developer has previously damaged the shed at no 49 The Ridgeway and damaged the boundary fence to neighbouring rear gardens;
- o Lack of public consultation;
- o Ongoing legal case about boundaries;
- o The proposal has been increased both in height, width and depth from the original proposal accepted in 2015 and 2016 (which did not have appropriate public consultation) 16/0747/S73 and 15/00573/FUL;
- o The proposed development would intrude over 2 foot further over into the properties surrounding, no 43 Woodstock Road; no's 47 and 49 The Ridgeway. This positioning of existing plans has not been accepted by Barnet Council and has not gone to public consultation;
- o Total roof height- Sedum roofing indicated on this plan is intended for a natural effect. The height of the sedum roof has not been included in the assessment of the plans. A sedum roof could grow upwards by 3 feet. There is no maximum height stated in the plans. The total height of the build including roof material with growing thick sedum will overshadow further light and overbear surrounding structures.
- o Fencing- The developers have placed a temporary high and obtrusive fence to shield occupants of 45 Woodstock Road and 43 Woodstock Road from building work. They state these are now lawful under a 4 year rule. However these did not go to consultation and

although raised to Barnet

- o Local residents were but but should be consulted on details of boundary treatment for no's 43 and 45 Woodstock Road, and no's 47 & 49 The Ridgeway Road to ensure their amenity is not compromised.
- o Environment and green space- Loss of green space to the neighbourhood and public passing by.
- o Cramped building resulting in overdevelopment of the site.
- o The proposal would set an unwanted precedent for similar developments to back land sites.
- o Lack of private amenity space and garden area for the proposed dwelling. space left for use of garden space.
- o Layout and density too high

The objections and concerns raised from residents have been considered within the assessment of the planning application and discussed further within this report. All representations received from residents were fully considered in the assessment of the application and are available to view online at the Councils website.

Consultees:

Thames Water: No objection subject to a condition and informatives.

Historic England: The site is in the Golders Green Archaeological Priority Area, however no further assessments or conditions are necessary.

Environmental Health: No objection subject to DCMS condition.

Highways: Request 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 in 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.

#### The Mayor's London Plan 2021

The London Plan 2021 was adopted on 02 March 2021 and is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the

next 20-25 years and the Mayor's vision for Good Growth.

The Plan is part of the statutory development plan for London, meaning that the policies in the Plan should inform decisions on planning applications across the capital. Borough's Local Plans must be in 'general conformity' with the London Plan, ensuring that the planning system for London operates in a joined-up way and reflects the overall strategy for how London can develop sustainably, which the London Plan sets out.

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 relevant London Plan (2021) policies are as follow:

GG1 Building strong and inclusive communities  
GG2 Making the best use of land  
GG3 Creating a healthy city  
GG4 Delivering the homes Londoners need  
GG6 Increasing efficiency and resilience  
D3 Optimising site capacity through the design-led approach  
D4 Delivering good design  
D5 Inclusive design  
D6 Housing quality and standards  
D7 Accessible housing  
D12 Fire safety  
D14 Noise  
H1 Increasing housing supply  
H2 Small sites  
H10 Housing size mix requires  
S1 13 Sustainable Drainage  
T5 Cycling  
T6 Car parking  
T6.1 Residential parking  
T7 Deliveries, servicing, and construction  
SI 1 Improving air quality  
SI 2 Minimising greenhouse gas emissions  
SI 3 Energy Infrastructure  
SI 4 Managing Heat Risk  
SI 5 Water Infrastructure  
SI 8 Waste capacity and net waste self sufficiency  
SI 12 Flood Risk Management

#### 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, CS3; CS4, CS5; CS9, CS14

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM16, DM17

Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

#### Supplementary Planning Documents

- o Residential Design Guidance SPD (adopted October 2016)
- o Sustainable Design and Construction SPD (adopted October 2016)

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- The principle of residential development onsite;
- Standard of accommodation proposed
- Whether harm would be caused to the living conditions of neighbouring residents.
- Highways matters

### **5.3 Assessment of proposals**

#### **Principle of development**

The proposed principle of the loss of garages and residential development has been established with two previous planning permissions (Ref no: 16/0747/S73 dated 11.04.2016 & 15/00573/FUL dated 19/3/2015) onsite and therefore the proposed land use is considered acceptable.

The proposal would make more efficient use of an urban brownfield site for residential purposes and provision of a single-family dwelling. The site is in a sustainable location, being close to the shops and facilities of Golders Green town centre and to bus and underground stations.

#### **Whether the design would cause harm to the openness of the site and character of the area**

High quality design underpins the sustainable development imperative of the NPPF and policies D1, D5, D6, D7 and D8 of the London Plan (2021). Policy CS5 of Barnet's Core Strategy (2012) seeks to 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 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.

The Councils adopted 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.

Policy DM01 states, 'development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of



surrounding buildings, spaces and streets'.

The proposed siting and overall footprint is acceptable. Whilst the proposed building would come forward, when compared to the approved scheme, the proposed building footprint to green space ratio is smaller for the proposed scheme than the approved scheme.

The scale and footprint of the development is site appropriate and reflects the local character of the area. The proposed volume of the dwelling is approximately 614.4m<sup>3</sup> (based on the GEA areas of lower ground and ground level, excluding lightwells and retaining structures). The previous dwellings approved had a volume of approximately 481.8m<sup>3</sup> (Ref no: 16/0747/S73), and 392.7m<sup>3</sup>. Whilst the volume of the proposal dwelling is greater than the previously approved dwellings onsite, the proposal sits comfortably within the site. The development would not result in over intensification or overdevelopment on site. Further, the height of the proposed dwelling is approximately 2.43 metres from the ground datum level and is therefore subservient and lower than nearby residential dwellings, and therefore would not have an imposing; overbearing or domineering impact on neighbouring properties.

With reference to bulk and mass, the proposed use of high quality, permeable and durable materials including a variety of shades of brickwork to the side elevations, heaving use of glazing at both ground and first floor levels to the front and rear elevations, successfully articulates the facades whilst reducing the overall perception of bulk and mass to the building. The proposed brickwork to the elevations adds to the visual interest and design quality of this contemporary building. The proposed brickwork would also ensure the integration of the proposal into its context, respect of the character and appearance of the area. The main visible parts of the new dwelling would be brick, ensuring the integration of the proposal into its context.

The proposed dwelling is high quality and is designed in a contemporary manner. The proposed dwelling would be screened from the road by a fence. The surrounding residential buildings, are in part, characterised by a mix of roof typologies, including mansard and flat roof forms. As such, the proposed flat roof to the building would be in keeping with the character of the area. The proposed sedum green roof will enhance the character and appearance of the area.

Overall, the height, siting, scale, bulk, massing, and appearance of the building would be of good design quality, which would have a positive impact on the character and appearance of the site and the area. The applicant would be required to submit full details, including sample specifications of all materials proposed, to be approved by the Local Planning Authority and implemented and retained thereafter. This would be secured by way of a condition.

### **Amenity of future occupiers**

Amenities of Neighbouring and Future Residents Part of the 'Sustainable development' imperative of the NPPF 2021 is pursuing improvements to amenity through the design of the built environment. Policies CS5, DM01, DM02 and DM04 of the Barnet Development Management Policies DPD seeks to manage the impact of new developments to ensure that there is not an excessive loss of amenity in terms daylight/sunlight, outlook and privacy for existing residential occupiers or gardens.

The Residential Design Guidance SPD advises that in new residential development privacy can be safeguarded by achieving minimum window to window or window to balcony distances between buildings of 18-21m between facing habitable room windows,

and 10.5 m to a neighbouring garden. These distances relate particularly to typical two-storey development, where first floor windows can overlook neighbouring properties.

Policy DM01 of the Development Management Policies 2012 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.

The proposal would not compromise the amenities of neighbouring properties. The proposal has been designed to ensure there is no direct overlooking of neighbouring gardens as there are no windows proposed on aspects facing no 43 Woodstock Road and no's 47 & 49 The Ridgeway. As such, their privacy would not be compromised. Further, there would be 1.8 metre fencing and vegetation proposed to protect the privacy of no 45 Woodstock Road. The proposed height of the building at approximately 2.34 metres from ground level would not result in undue loss of daylight; sunlight; or overshadowing to rear gardens to neighbouring properties. Further, it would not have an overbearing impact on the amenity value of the rear gardens at the abovementioned neighbouring properties.

No parts of the roof would be used as an amenity or sitting out area for future occupiers. This would be secured by way of a planning condition to safeguard neighbouring residential amenity. In addition, full details of the means of enclosure, including 1.8m high fencing panels to be erected along the boundaries to the rear of the site, are required to be submitted and approved in writing by the Local Planning Authority prior to first occupation and retained as such thereafter. This would be secured by way of a planning condition to ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential property at no 45 Woodstock Road.

## **Standard and quality of accommodation**

### Dwelling mix

Policy H10 of the London Plan (2021) requires new residential development to provide a suitable and varied dwelling mix which meets local needs. Moreover, policy DM08 of the Local Plan (2012) relates to dwelling mix and requires all new residential development to provide a mix of dwelling sizes and types to cater for a range of housing needs in the area. LBB set a dwelling size mix requirement for new development in the borough with homes of 3 bedroom or more the priority.

The proposed makes provision for 1 x 3 bedroom detached house which is welcomed by Officers, and in accordance with policy.

### Room size standards and layouts.

The Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. The proposal habitable rooms all meet minimum room size standards. Further, the proposal rooms would receive good outlook and generous daylight and sunlight provision to the habitable rooms.

Housing standards are set out in the Nationally Described Space Standards (NDSS), the London Plan and London Housing SPG and Barnet's Sustainable Design and Construction SPD. Table 3.3 in the London Plan provides a minimum gross internal floor area for different types of dwelling. The proposal would exceed the minimum size standards for a 3

bed (6 person) for a 2 storey house, in accordance with the Council's adopted SPD on Residential Design Guidance as set out below:

Minimum policy requirement 102sqm Proposed GIA (excluding lightwells) = 184.1m<sup>2</sup>

Table 2.2: Internal layout and design requirements of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

- o Single bedroom: minimum area should be 7.5 m<sup>2</sup> and is at least 2.15m wide;
- o Double/twin bedroom: minimum area should be 11.5 m<sup>2</sup> and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

The proposed three bedrooms area provided at lower ground floor level. A courtyard area is incorporated to ensure that each of the bedrooms have access to natural light and outlook.

#### Private amenity space

The Council's adopted Supplementary Planning Document entitled Residential Design Guidance requires the provision of 50 m<sup>2</sup> of private amenity space for up to five habitable rooms:

Total amount of private amenity space provided onsite is approximately 99m<sup>2</sup> (22.9m<sup>2</sup>-total area of lightwell and 74.1 m<sup>2</sup> - areas excluding stores, paths, car parking zone and void to lightwell) and therefore exceeds policy requirement, which is supported by Officers. The proposed courtyard garden at lower ground level contributes to the contemporary nature of the proposed new dwelling and would equally be discreet and hidden from view from the street with no impact on the character and appearance of the local and wider area. Further, the proposed hard and soft landscaping achieves a good visual setting for the building, makes a positive contribution to the surrounding area and contributes to biodiversity.

Amenity space is also proposed to the side of the new building which was formerly part of the rear amenity space of 45 Woodstock Road. A hedge to separate the parking space from the proposed amenity space is also incorporated. Additional outdoor amenity space has been provided by extending the boundary of the site towards the rear amenity area of No.45 Woodstock Road.

The proposal provides adequate, usable private amenity space in accordance with policy.

#### Impacts on the local highway

The site has a Public Transport Accessibility Level of 3, which meaning it has moderate access to public transport (PTAL 1 being very poor and 6b being excellent access to public transport. 5 bus routes can be accessed from stops within approximately 5 minutes walking distance of the site and West Finchley tube station is approximately within a 10 minute walking distance of the site.

The site is not located within a Controlled Parking Zone.

#### Car parking

Car parking - London Plan standards

Policy T6.1 of the London Plan 2021 Residential Parking standards requires that new residential development should not exceed the maximum parking standards. These standards are a hierarchy with the more restrictive standard applying when a site falls into more than one category. Parking spaces within communal car parking facilities (including basements) should be leased rather than sold. All residential car parking spaces must provide infrastructure for electric or Ultra-Low Emission vehicles. At least 20 per cent of spaces should have active charging facilities, with passive provision for all remaining spaces.

For sites with a PTAL rating of 5-6, a development should be "car free" (no onsite car parking spaces) the following is required:

#### Car parking -Local Plan

Policy DM17 states that the council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi-detached houses and flats (4 or more bedrooms);
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

The proposal should make provision for 1- 1.5 car parking spaces. The site is has a PTAL rating of 6a, which means it has excellent access to public transport. As such, the proposed provision of one car parking spaces is considered acceptable, in accordance with local policy.

#### Cycling Parking

Policy T5 Cycling of the London Plan (2021) requires that "cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards. Development proposals should demonstrate how cycle parking facilities will cater for larger cycles, including adapted cycles for disabled people".

Table 10.2 of the London Plan (2021) sets out the Minimum cycle parking standards for residential uses. the following cycle storage provision would be required:

- o 1 space per studio or 1 person 1 bedroom dwelling
- o 1.5 spaces per 2-person 1 bedroom dwelling
- o 2 spaces per all other dwellings

The proposal makes provision for 2 cycle spaces, in a safe and secure location, in accordance with policy.

#### Refuse and recycling facilities

Policies S1 8 of the London Plan (2021) and CS 14 of the Core Strategy (2012) seek to ensure that adequate waste and recycling provision is made for all developments in secure; and accessible locations for days of collection.

Refuse and recycling bins are proposed in a safe and secure location onsite, with easy

access to Armtage Road. Notwithstanding, Prior to the occupation of the dwellings, full details of refuse storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved refuse storage and collection arrangements. This would be secured by way of a planning condition in the interest of highway safety.

## **5.4 Response to Public Consultation**

All planning matters raised have been considered and addressed as part of the assessment and decision-making process for this planning application.

### **Boundary disputes**

- Objections received on the grounds that there is an outstanding boundary dispute with the applicant (between no 43A and 45 Woodstock Road) and damage would be caused to a London Plan tree and neighbouring shed. The original plans submitted with the Full Planning application does not include a large London Plane tree in the grounds of no 45 Woodstock Road. The tree would be destroyed if the development is approved. A local resident states that the applicant previously attempted to build on top of the shed at no 43A Woodstock Road. The proposal is encroaching on the site boundary shared with the neighbouring properties.

(Officers comment: The boundary and shed belonging to No. 43 was subject to a lengthy boundary dispute that culminated in a court order that was agreed between the parties agreeing that the shed would be moved together with the boundary. The applicant proposes to correct the boundary and move the shed when works commence on site. Officers' note that matters associated with boundary disputes are a civic matter and not covered under planning policy and legislation).

### **Lack of detail on drawings**

- Objectors assert that the proposed drawings originally submitted were misleading as they did not include the shed onsite to the rear of the garden of no 49 The Ridgeway, and no 43 Woodstock Road, and the large mature London plane tree against the boundary.

(Officers comment: The applicant subsequent submitted revised drawings to reflect the existing context with the neighbouring property at no 43 Woodstock Road. With regards to the tree, the applicant has submitted a plan titled "boundary as set out" produced by the neighbour at No 43 which indicates the location of the tree).

### **Design**

- Objections have been received on the grounds that the proposed height; width; and depth is excessive and out of character with the area. The proposal application is higher than the previous planning application and above fence height and the level of the garage eaves at 49 The Ridgeway.

(Officers comment- The proposed design is of high design quality; would be respectful of the character and appearance of the site; the streetscene and the local area; and would not have a detrimental impact on surrounding residential amenity. The proposed dwelling is considered to be acceptable and policy compliant, as discussed further within this report).

## Impact on amenity of neighbouring properties

- Residents are concerned that the proposed dwelling should be positioned further back, now into the garden at no 43 Woodstock Road, and sits in front of house at no 43 Woodstock Road. Objectors assert that the proposed plan places the new dwelling partly on top of the current shed and that the proposed house is nearly the full length of the garden at Woodstock Road, overbearing from all views from their property and the neighbour properties (at no's 41 & 39 Woodstock Road).

(Officers comment: Whilst the proposed development would be visible from rear windows at no 43 Woodstock Road. Notwithstanding, it is not considered to be substantial as it appears as a single storey dwelling, approximately 2.5 metres above ground level. Moreover, the proposal would not result in any loss of privacy; daylight and sunlight to the residential dwelling and rear garden at no 43 Woodstock Road as there are no windows proposed on elevations with aspect to the property. Further, the proposal would not have an overbearing impact on local residents as the height of the dwelling above ground level is approximately 2.43 metres, which is lower in height by comparison to neighbouring properties.

The proposed dwelling would not sit partly on top the existing shed at no 43 Woodstock Road. The proposal does not exceed the full length of the adjacent rear garden at no 43 Woodstock Road and given that height of the house at 2.43 metres from ground level, it is not considered that it would have an overbearing or imposing impact on the neighbouring property.

Further, the applicant would be required to submit full details of the means of enclosure, including 1.8m high fencing panels would be erected along the boundaries protect the privacy of no 45 Woodstock Road. This is to ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of neighbouring residential properties. This would be secured by way of a planning condition.

On balance, the proposals would not cause adverse impacts on the existing residential amenity of neighbouring properties and is policy compliant).

## Sedum roof

- Objection: The proposed planting on the sedum roof would increase the height of the building, which would have an encroaching and overbearing impact on the amenity of neighbouring occupiers.

(Officers comment: Prior to occupation of the development, full details of planting to the sedum roof shall be submitted to and approved by the Local Planning authority in writing. The details approved would be implemented and retained thereafter in the interest of biodiversity onsite and to safeguard neighbouring amenity against undue overshadowing. This would be secured by planning condition).

- Objection: Loss of garden space to the existing occupier at no 45 Woodstock Road

Officers comment: Residents at no 45 Woodstock Road would have access to their own private garden which exceeds the minimum size standards).

-Objection: Increase noise and air pollution during construction stage.

(Officers comment: 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. This would be secured by way of a planning condition in the interests of local residential amenity; highway safety; noise; and good air quality).

-Objection: An additional car onsite would have a detrimental impact on the local highway.

(Officers comment: LBB Highways team have not raised any objections to the proposed one car parking space onsite).

The objections and concerns raised from residents have been considered within the evaluation above, and all representations received from residents were fully considered in the assessment of the application and are available to view online at the Councils website.

## 6. Equality and Diversity Issues

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

## 7. Conclusion

The proposals are considered to be acceptable. It is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene, and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

