

**Location** **Rear Of 7 Lambert Road London N12 9ER**

**Reference:** **22/4593/FUL** Received: 13th September 2022  
Accepted: 13th September 2022

Ward: Woodhouse Expiry 8th November 2022

**Case Officer:** **Greta Norton**

Applicant: Dr Nick Harper

Proposal: Demolition of the existing garage and erection a new two storey dwelling with amenity space, refuse/recycling/cycling store. Insertion of 2no. air source heat pumps to roof

### **OFFICER'S RECOMMENDATION**

Approve subject to s106

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)

### **RECOMMENDATION I:**

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Amendment to Traffic Management Order -
  - A contribution of £2,392.01 to ensure that the new occupants are prevented from purchasing CPZ parking permits;
  - A contribution of £101.10 to meet the Council's costs of monitoring the planning obligation.

## **RECOMMENDATION II:**

That upon completion of the agreement specified in Recommendation I, the Service Director for Planning and Building Control approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director for Planning and Building Control:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing Front Elevation 0013 03  
Existing Ground Floor 0013 02 Rev A  
Existing Section 0013 04 Rev A  
Existing Site Plan 0013 01 Rev B  
Proposed First Floor 0013 12 Rev A  
Proposed Front Elevation 0013 14  
Proposed Ground Floor 0013 11 Rev A  
Proposed Rear Elevation 0013 15 Rev A  
Proposed Roof Plan 0013 13 Rev A  
Proposed Section 1 0013 16 Rev A  
Proposed Section 2 0013 17 Rev A  
Proposed Section 3 & 4 0013 18 Rev A  
Proposed Street Views 0013 19 Rev A  
Proposed Site Location Plan 0013 00  
Proposed Site Plan 0013 10 Rev A

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

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

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

- 3
  - a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.
  - b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy D4 of the London Plan 2021.

4 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies D4, D5, D8 and G7 of the London Plan 2021.

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

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

b) The development shall thereafter be implemented in accordance with the

measures detailed within the statement.

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016)

- 6 Prior to occupation of the development, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

Reason

In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 7 The refuse storage shall be provided in accordance with the approved plan no. 0013 14 and no. 0011 12 Rev A prior to occupation of development, and be 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.

- 8 All off-site highway works shall be carried out fully implemented to the satisfaction of the Local Highway Authority prior to first occupation of the development.

Reason: To ensure that the works on the public highway are carried out to the satisfaction of the highway authority 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) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.
- b) The treatment of boundaries should be permeable to species such as hedgehogs (*Erinaceus europaeus*) and common toad (*Bufo bufo*), with the introduction of a minimum of 1no 13 x 13cm ground level access 'hedgehog hole' between the application site and each neighbouring piece of land to enable connections and prevent the fragmentation of habitat

c) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

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

10 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise has been submitted to and approved in writing by the Local Planning Authority.

b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or the first occupation of the development and retained as such thereafter.

Reason: To ensure the amenities of occupiers are not prejudiced by traffic/mixed use noise in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016), and Policies D13 and D14 of the London Plan 2021.

11 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and Policies D13 and D14 of the London Plan 2021.

- 12 The level of noise emitted from the air source heat pumps plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and D14 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 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).

- 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 D7 of the London Plan 2021 and the 2016 Mayors Housing SPG.

- 16 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 Classes A-G of Part 1 or A-C of Part 2 of Schedule 2 of that Order shall be carried out within the curtilage of the dwelling hereby approved.

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

- 17 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 London Plan Policies 5.3 and 7.14.

### **RECOMMENDATION III:**

- 1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 31.08.2023, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

## 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 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

Please Note: A maximum width of a crossover allowed from a public highway is 4.2 meters.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW or [crossovers@barnet.gov.uk](mailto:crossovers@barnet.gov.uk) .

- 4 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 5 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).
- 6 Any gates must open inwards and not out onto the public highway for health and safety reasons.
- 7 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

- 8 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site currently accommodates a parking space, hardstanding and 2no timber sheds on a shallow, rectangular plot located to the rear of No. 7 Lambert Road.

Single storey garages located to the rear of other neighbouring gardens remain a common feature of this side of the street, save for a recent two-storey development providing flats to the rear of No 1. The area surrounding the application site includes a mixture of different

uses and buildings of varying scale and design. To the east are the rear gardens of properties fronting Lambeth Road, in contrast the area to the west is more urban with the two storey mixed use buildings (retail on the ground floor with residential above) fronting Great North Way.

The site lies on the boundary of the North Finchley Town Centre. The site is situated within flood zone 1. There are no protected trees on site.

## **2. Site History**

There is no relevant planning history related to this site .

### Other relevant Permissions

Reference: 16/3676/FUL

Address: Lambert Way, (Land to Rear Of 1 Lambert Road), N12 9ER

Decision: Approved subject to conditions

Date: 22.03.2016

Description: Demolition of existing garages and erection of 2no. self-contained flats. Associated amenity space, refuse and cycle storage.

Reference: 17/6131/FUL

Address: 1 Lambert Way, (Land To Rear Of 1 Lambert Road), London, N12 9ER

Decision: Approved following legal agreement

Date: 16.02.2018

Description: Demolition of existing garages and erection of a two-storey building to provide 2no self-contained units. Associated private amenity space and refuse.

## **3. Proposal**

Demolition of the existing garage and erection a new two storey dwelling with amenity space, refuse/recycling/cycling store. Insertion of 2no. air source heat pumps to roof

## **4. Consultation**

### Neighbour Notification

Consultation letters were sent to 140 neighbouring properties. 29 responses have been received, comprising of 1 representation, 28 objections and a petition.

The representation can be summarised as follows:

- Details of the proposed heat pumps with noise evaluations should be provided.

The initial objections can be summarised as follows:

- Deviates fundamentally from development cited at 1 Lambert Way.
- Overlooking - first floor rear windows will directly face rear private living spaces of properties on Lambert Road.
- Overshadowing properties on west side of Lambert Road due to its height.

- Distance between existing residence 7 Lambert Road and proposed 7 Lambert Way is short.
- Amount of outdoor space unacceptable.
- No sunlight/daylight report has been submitted.
- Heat pumps add to the height and aesthetics of the development.
- Heat pumps on the roof will transmit sound into nearby gardens and businesses.
- Development should consider providing plants to shield the view of the property at the rear of gardens on Lambert Road.
- As development is directly on the boundary of Finchley Town Centre, it would restrict future plans across the road.
- Development would bring further deviation from the current streetscape. The development will sit in isolation on Lambert Way surrounded by garages.
- Development adds further dangers of walking down Lambert Way. Road is used as access for vehicles and there is insufficient pavement for pedestrians without stepping into private property.
- The development will continue disruption to local residents due to construction works.
- Bin stores requires residents to open them directly into the road.
- Proposal does not have plans for how drainage of water will occur from roof spaces.
- Potential damage to existing mature trees and their root systems.
- Sets a dangerous precedent in local and borough area. Commercial back-alley is not appropriate for a dwelling.
- Increased parking pressures
- Extent of works will negatively impact the local wildlife and biodiversity leading to a loss of mature trees and other plants.
- Excavation has potential to cause flooding and water logging.
- Loss of light to neighbours' gardens.

Due to amended plans being submitted, a second round of consultation was sent out, which received the following objections:

- Despite the updated plans, there is still significant overlooking.
- The amount of outdoor space provided is still below the required 40sqm.

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was 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 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. 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.

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

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS4, CS5, CS9, CS13, CS14 and CS14
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM17

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity.

Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy, and outlook for adjoining occupiers.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Policy DM17 states that residential development may be acceptable with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits.

### Barnet's Local Plan (2021)

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

### Supplementary Planning Documents

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle
- Whether harm would be caused to the character and appearance of the existing site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the scheme provides an acceptable standard for future occupants
- Traffic and Parking
- Cycle Parking
- Refuse and Recycling
- Impact on Trees

## **5.3 Assessment**

### Principle;

The principle of a two-storey dwellinghouse in this location is considered acceptable, due to the following reasons.

There is already presence of residential uses along Lambert Way, including no. 1 Lambert Way, which is just south of the site, comprising of 2no self-contained units, approved under planning reference 17/6131/FUL.

In addition to this, 3no flats are situated at Unit 1 no. 2 Lambert Way, which is sited opposite the application site. These flats were approved under planning reference F/03723/11, which also involved the provision of 2no fitness studios.

Therefore, residential, and recreational uses have already been established along the road. The gradual conversion of the thoroughfare to further residential occupancy will improve its appearance and function and is a good use of brownfield land within a Town Centre location.

The garage site to the rear of 7 Lambert Road is under the same ownership as the existing dwelling at no. 7 Lambert Road, and the garage serves as parking for this property, however it is underused.

As the site to the rear of 7 Lambert Road currently has 1no vacant single-storey garage, the proposed structure would be of a larger footprint to what exists at the site at present, however the provision of housing would be a more positive use of the land. The road is characterised by outbuildings of varying scale to the rear of neighbouring gardens, as well as the two-storey residential block at no. 1 Lambert Way, and therefore the addition of a two-storey, flat roofed building in this location is acceptable, subject to compliance with other development plan policies.

It is noted that there is another application, under planning reference 22/4592/FUL, which seeks to gain permission of an alike property as is proposed under this application.

Whether harm would be caused to the character and appearance of the existing site, the street scene and the wider locality;

Policy CS5 of Barnet's Core Strategy DPD (2012) states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high-quality design.

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states in point b: "Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets."

Barnet's Local Plan Supplementary Planning Document: Residential Design Guidance SPD (October 2016) provides more detailed residential design guidance issues relevant to Barnet such as local character, density, built form, car parking and amenity space standards connected with new build development. Through these changes the SPD sets out the local priorities for protecting and enhancing Barnet's character.

The site is occupied by a single storey garage. There is no objection to its removal by the LPA, as it is vacant. Due to the road's predominant use as a thoroughfare with garages, which is gradually introducing two-storey and single storey residential properties, there is not a strong design consistency at present.

The proposed dwelling measures 5.80 metres in height and 5.98 metres in width. The first-floor depth measures 8.90 metres (rear flank to the front façade), whilst the ground floor depth measures 7.88 metres in depth, due to the recessed ground floor façade, which allows space for timber enclosures which house bikes and bins.

It is acknowledged that the proposed two-storey building would be greater in terms of bulk and massing when compared to existing garages/outbuildings along Lambert Way, however, as mentioned, there is also presence of two-storey development at 1 Lambert Way and thus the proposed two-storey massing is not an irregularity within its immediate surroundings. The dwelling measures the same height as the building at no. 1 Lambert Way and boasts a flat roof which therefore creates a further sense of design coherence and linearity along the road.

Specific materials that are to be utilised for the development have not been agreed yet. Details regarding this will be secured by way of condition in the event of an approval. However, the proposed street view plan illustrates no. 1 Lambert Way, and it appears that many design aspects of the scheme will replicate the two-storey residential building built

under reference 17/6131/FUL, in the interests of respecting design coherence. Alike features include; inset windows of similar sizes, a brick soldier course to the dwelling, and timber enclosures for bikes.

With regard to the character of the wider area, the dwelling will be obscured from the main public highway and will therefore not largely impact the character of the wider vicinity. The redevelopment of the site will generate visual improvement to Lambert Way due to the replacement of a largely unused site with a modern building which reflects design principles used at no. 1 Lambert Way.

It must be reiterated that the site is not situated within a conservation area, nor are any listed building within close vicinity. Therefore, gradually shifting the character of Lambert Way from a small thoroughfare with garages to more modern residential and commercial development is not unacceptable and will enhance the aesthetics of the street scene, including the reduction of unauthorised parking and illegal fly tipping.

In regard to the proposed air source heat pumps, the 2no pumps will project above the roof of the dwelling by 0.36m. They will not be visible from the street scene due to their locality on top of the roof within the centre, and therefore will not negatively impact the character of the area.

Thus, the proposed development is considered to comply with DM01 (Development Management Policies Document), CS5 (Barnet's Core Strategy DPD) and Barnet's Residential Design Guidance SPD.

#### Whether harm would be caused to the living conditions of neighbouring residents

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.

Directly neighbouring the proposed dwelling are garages at no. 9 and 5 Lambert Road. Due to the nature of these sites, the proposed dwelling is not considered to impact any neighbouring amenity.

To the rear (east) of the proposed dwelling are the rear gardens and properties of Lambert Road. It is acknowledged that the proposed dwelling would be more visible from the rear windows and gardens of properties along Lambert Road than what currently exists at the site. However, the introduction of a two-storey building over 21m away from the rear walls of these properties will not significantly impact outlook.

With regard to privacy, as aforementioned in the report, first floor rear windows have been removed from the proposal, in order to protect the privacy of neighbouring occupiers. High level obscure glazed windows would not have been considered to negatively impact the amenities of properties to the east of the site, however the windows have been removed entirely and replaced with skylights to address all concerns relating to privacy.

The proposed rear courtyard garden would be bordering No. 7 Lambert Road's rear garden boundary; however, a 2-metre-high brick wall is to be built along the rear boundary in order to prevent any overlooking and loss of privacy. There is a level change of 0.8 metres between No. 7 Lambert Road, and the land at 7 Lambert Way. Therefore, the proposed wall will appear as 2.8 metres in height to the occupants at no. 7 Lambert Road however, is considered acceptable given the distance from the main house.



The sun's path would mean that some overshadowing would be cast to the rear of the garden at no. 7 Lambert Road within the afternoon, however this would not be to a detrimental extent that would warrant a reason for refusal. The light received by rear windows of properties along Lambert Road would not be impacted by the proposal, due to the significant distance between the rear wall of the development and existing properties.

The two-storey rear wall of the dwelling is proposed to be set back by 3.80 metres from the site's rear boundary, which is shared with 7 Lambert Road. Therefore, the two-storey flank wall will not be situated directly along the rear boundary of 7 Lambert Road, lessening the impact on their light and overshadowing, and appearing as less overbearing when viewed from the rear windows of properties along Lambert Road.

Opposite the site is a building that houses a fitness studio, and 3no flats. It is noted that the windows situated to the façade of this building are obscure glazed. Thus, no loss of outlook or overbearing impact is considered to be caused. In addition to this, a 4.9m gap is proposed which ensures that no undue loss of light would occur to the windows of these flats. The proposed building has been kept below the level of the roof windows in the roof slope opposite at 2 Lambert Way. This avoids issues of overlooking and the scale of the building is subservient to the building at 2 Lambert Way.

Air source heat pumps:

The proposed air source heat pumps measure 0.36m in height above the dwelling's roof, with a width of 0.30m. Therefore, their modest size will not negatively impact neighbouring amenities.

Environmental Health:

In regard to noise generated from the air source heat pumps, the council's Environmental Health department were consulted. They have requested for appropriate conditions to be attached in the event of an approval.

1. A pre-commencement condition requesting the provision of a report prepared by an acoustic consultant to assess the likely noise impacts from the air source heat pumps, and mitigation measures for the development to reduce these noise impacts to acceptable levels.

2. A condition to ensure that the level of noise emitted from the air source heat pumps shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property. If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Whether harm would be caused to the living conditions of future occupiers

The London Plan, Barnet's Local Plan policies and Sustainable Design SPD set out the minimum space requirements for residential units and bedrooms.

GIA (Gross Internal Area):

Table 3.1 of the London Plan states that the minimum space standards for a two-storey 1-bedroom 2-person dwelling is 58 sqm. The submitted drawings indicate the new dwelling would provide a GIA of around 80sqm. In any event, the total floor area of the new dwelling is generous and therefore could provide a good level of living accommodation.

Bedroom sizes:

Table 2.2 - 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 sqm and should be at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 sqm and should be at least 2.75m wide and every other double (or twin) bedroom and at least 2.55m wide.

The proposed bedroom in the new dwelling serves a double bed for two people and has an area of 16.7sqm. It has a minimum width of 2.88 metres and therefore is compliant with Barnet's SPD.

Ceiling Heights:

Policy D6 of the London Plan 2021, mandates that the minimum floor to ceiling height must be 2.5m for at least 75% of the Gross Internal Area of each dwelling. All ceiling heights exceed 2.5m and are therefore acceptable.

Glazing levels:

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

Barnet's SPD (2016) defines a habitable room as a room within a dwelling, the primary purpose of which is for living, sleeping, or dining, including kitchens where the total area is more than 13m<sup>2</sup>, or the dining space if it is divided from the working area by a moveable partition.

The proposed lounge/dining area measures 18.30sqm and is provided with 8.4sqm of glazing, which is therefore in excess of the 20% guideline.

The proposed bedroom measures 16.70sqm and is provided with 4.45sqm of glazing, which is also in excess of the 20% guideline.

Glazing is also provided for non-habitable rooms such as the kitchen, walk-in-wardrobe, and WC.

No glazing is provided for the two first floor rear rooms (utility and study), however, these uses are not considered as habitable rooms. Barnet's Sustainable Design and Construction DPD (2016) Table 2.4 also states that in new residential development there should be a minimum distance of 21m between properties with facing windows to habitable rooms to avoid overlooking. Whilst rear upper floor windows would have maintained a distance in excess of 21m, a lot of concern was raised with regard to overlooking the rear gardens and windows of Lambert Road within the first set of proposed drawings, and therefore to mitigate all concern, the rear windows were removed and replaced with 3 no skylights in an amended scheme. A skylight serves each of the first-

floor rear rooms, and one serves the staircase, in order to allow more natural light into the property without compromising the privacy of occupants within houses and gardens to the rear of the proposed dwelling.

The proposed bedroom and living room are considered to have reasonable outlook. The living room will look out into the rear private amenity space of the dwelling, whereby the rear boundary brick wall which has a distance of 3.80m between the dwelling's rear wall and glazing. Whilst it is acknowledged that this is slightly constrained due to the nature of the site, this does not warrant a reason for refusal and the property is deemed to receive a sufficient amount of natural light. Furthermore, the rear boundary wall measures 2m in height, and therefore will not pose a severe sense of enclosure to future inhabitants.

Private outdoor space:

Table 2.3 of the Sustainable Design SPD states that 40 sqm of outdoor private amenity space should be provided for such a dwelling. The proposal would provide 21.6sqm of outdoor private amenity space to the ground floor rear of the dwelling, and a 2sqm inset at the front, serving the bedroom.

Whilst the amount of outdoor amenity space measures just over half of the required amount, there are material considerations to justify the shortfall. Firstly, the unit exceeds the minimum internal unit size as set in London Plan Policy D6, whereby an additional 22sqm of floorspace is provided. Whilst it is acknowledged that the London Plan defaults to the Local Plan in respect of outdoor space, nonetheless, 21.6sqm considerably exceeds the 5sqm that would otherwise be sought under Policy D6.

In addition to this, the proposed dwelling is a 1 bedroom 2-person size and is therefore unlikely to appeal to families with children who may have more use for outdoor amenity space compared to the demographic who might be attracted to this unit. Given the urban context of the site, which is relatively constrained due to the nature of the previous use and surrounding uses, a smaller provision of outdoor amenity space is considered to be acceptable due to site specific circumstances and development of a mews style scheme.

It is also acknowledged that one of the self-contained units at no. 1 Lambert Way, approved under reference 17/6131/FUL, also fell short of the outdoor amenity space requirement, and was justified under similar factors.

Plans were amended during the lifetime of the application to increase the size of the outdoor amenity space. Initially, only 11sqm of outdoor space was proposed to the rear of the dwelling. This was considered to be detrimental to the amenities of future occupiers, and thus, by request, the size of the rear courtyard garden has been increased to 21sqm.

Thus, the proposal is considered to comply with Barnet's Development Management Policies, Residential Design Guidance and Sustainable Design and Construction SPDs, and the London Plan 2021.

#### Traffic, parking, cycle parking and refuse/recycling

Traffic/parking:

The Local Highway Authority were consulted on the proposal and states that as the site lies within a PTAL 3 zone, which means that there is average public transport accessibility to and from the site, the required off-street car parking provision for this proposal would be

1 space.

Due to the constraints of the site, the applicant has not proposed to make any provision for off-street car parking. This means that there will be an anticipated overspill of 1 space onto streets surrounding the site.

The applicant has not provided justification for this under-provision. However, taking into consideration the following::

- o The site is located within a Controlled Parking Zone (FN) which is in operation Mon-Sat between the hours of 9am-5pm,
- o The site is located within walking distance of a town centre location,
- o The site is within walking distance of local amenities,

It has been confirmed by the applicant that the proposed development site is under the same ownership as the property at no. 7 Lambert Road. Therefore, this proposed demolition of the garage will cause a displacement in parking for owners of the property. However, the existing residents of no. 7 may have already been provided with CPZ permits and so no material increase in demand is anticipated.

It is considered appropriate to modify the traffic order to exempt the occupiers of the proposed units from the schedule of addresses eligible for parking permits in the CPZ. A Section 106 or Unilateral Undertaking Agreement contribution of £2,392.01 will be required in order to amend the traffic order.

The applicant is proposing to remove the existing off-street car parking space. The footway will need to be reinstated back into public footway. For this, an application must be made to the highways Domestic Crossovers Team. The applicant is advised that an application must be made prior to the commencement of any works on the public footway/highway and before the occupation of the proposed development.

Thus, the council's highways team have deemed the proposal acceptable on highways grounds, subject to suitable conditions in the event of an approval.

#### Cycle Parking and Storage:

The proposed development will need to provide 2 long stay cycle parking spaces in accordance with the London Plan Cycle Parking standards. The proposed bike store and 2 long stay cycle parking spaces have been shown on the plans, and must be maintained as proposed, which will be secured by way of condition.

#### Refuse Collection Arrangements:

The proposed refuse storage location is within 10m of the public footway at ground floor level and is therefore deemed acceptable on highways grounds. Details of bin storage has been provided as part of the application, whereby refuse will be contained within timber stores at the front of the property.

#### Trees

The council's Tree Officer was consulted during the lifetime of the application. It was concluded that there does not appear to be any arboricultural related risk associated with the proposed development for the rear of no. 7.

## 5.4 Response to Public Consultation

Due to amended plans being submitted, a second round of consultation was sent out, which received the following objections:

- Despite the updated plans, there is still significant overlooking.
- The amount of outdoor space provided is still below the required 40sqm.

(Overlooking - first floor rear windows will directly face rear private living spaces of properties on Lambert Road)

- As per the amended plans, no first-floor windows are proposed within the rear wall of the dwelling, and therefore no concerns are raised with regard to overlooking.

(Overshadowing properties on west side of Lambert Road due to its height.)

- The two-storey height with a flat roof will not overshadow the properties of Lambert Road to a detrimental extent. Only the rear of the gardens may be slightly overshadowed by the development, however it will not be a reason to warrant a refusal. The two-storey dwelling is set back 3.8 metres from the shared rear boundary of 5 Lambert Road which will lessen the impact of potential overshadowing.

(Amount of outdoor space unacceptable.)

- Whilst it is acknowledged that the amount of outdoor space is below the standard set out in Barnet's Sustainable Design and Construction SPD (2016), as aforementioned, the unit exceeds the minimum unit size as set in the London Plan Policy D6, whereby an additional 22sqm of floorspace is provided internally. In addition to this, the proposed dwelling is of a size that is unlikely to appeal to families. Given the urban context of the site, a smaller provision of outdoor amenity space is considered to be acceptable due to site specific circumstances and development of a mews style scheme.

(No sunlight/daylight report has been submitted.)

- Sunlight/daylight reports are not mandatory for planning applications.

(Heat pumps add to the height and aesthetics of the development.)

- The heat pumps are of a modest height, width and depth and will be situated within the centre of the roof. Therefore, they are not considered to be detrimental to the character of the area or to neighbouring amenity.

(Heat pumps on the roof will transmit sound into nearby gardens and businesses.)

- Appropriate conditions will be attached in the event of an approval, to ensure a thorough noise report is carried out along with mitigation strategies to ensure the amenities of neighbours are not compromised with regard to sound.

(Development should consider providing plants to shield the view of the property at the rear of gardens on Lambert Road.)

- It is not necessary to enforce the provision of plants. This will be optional for future occupants.

(Development would bring further deviation from the current streetscape. The development will sit in isolation on Lambert Way surrounded by garages.)

- The Development is considered to bring an improvement to the existing state of Lambert Way. Similar development has already been implemented along the road.

(Development adds further dangers of walking down Lambert Way. Road is used as access for vehicles and there is insufficient pavement for pedestrians without stepping into private property.)

- Highways have deemed the proposal as acceptable and safe.

(The development will continue disruption to local residents due to construction works.)

- This is not a planning matter.

(Bin stores requires residents to open them directly into the road.)

- Highways have deemed the proposal as acceptable.

(Proposal does not have plans for how drainage of water will occur from roof spaces.)

- This is not a planning matter. Drainage will be dealt with by building control.

(Potential damage to existing mature trees and their root systems.)

The council's Tree Officer has confirmed that the proposal would not cause harm to any nearby trees.

(Sets a dangerous precedent in local and borough area. Commercial back-alley is not appropriate for a dwelling.)

- The proposal is considered to improve the existing quality of the street. There is already presence of residential accommodation along Lambert Way and thus the principle of a dwelling within this site is acceptable.

(Increased parking pressures)

- Highways have deemed the proposal acceptable and that it will not negatively impact current parking pressures.

(Extent of works will negatively impact the local wildlife and biodiversity leading to a loss of mature trees and other plants.)

The site consists of a garage at present. Therefore, wildlife is not considered to be impacted. Regarding trees, the council's tree officer has confirmed that the proposal will not impact any nearby trees.

(Excavation has potential to cause flooding and water logging)

- The property is located within flood zone 1, and the house will be provided with drainage. Therefore this is not a concern to the LPA.

(Loss of light to neighbours' gardens.)

- The proposal is not considered to detrimentally impact the light received in neighbouring gardens.

## 6. Equality and Diversity Issues

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

## 7. Conclusion

Having taken all material considerations into account, the proposed development as amended would have an acceptable impact on the character and appearance of the street scene and locality. The development would not result in an adverse impact to the amenities of neighbouring occupiers, and would provide acceptable living standards for future occupiers. The application is therefore recommended for APPROVAL.

