

Location Land Opposite 17 Hampton Close London N11 3PR

Reference: 22/5644/FUL Received: 24th November 2022
Accepted: 24th November 2022

Ward: Friern Barnet Expiry 19th January 2023

Case Officer: Greta Norton

Applicant: Mr Josif

Proposal: Erection of a two storey dwelling with basement level and associated lightwell; Associated refuse/recycling and cycle storage (Amended Plans)

OFFICER'S RECOMMENDATION

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

Proposed Os Map/ Location Plan PR-L001 Rev C
Proposed Basement Floor PR-P001 Rev C
Proposed Ground Floor PR-P002 Rev C
Proposed First Floor PR-P003 Rev C
Proposed Roof Plan PR-P004 Rev C
Proposed Front/Rear Elevations Rev C
Proposed Side Elevations PR-E002 Rev C
Proposed Section 1 PR-S001 Rev C
Proposed Perspective Views PR-PE001 Rev C
Proposed Street Views PR-PE002 Rev C
Proposed Street Scene PR-E003 Rev C
Existing Os Map/ Location Plan EX-L001
Existing Ground Floor EX-P001
Existing Perspective Views EX-PE001
Swept Path drawings PR-P005 Rev E

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) Notwithstanding the details set out within the approved design and access statement, 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 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 SI 1, SI 7, D14 and T7 of the London Plan 2021.

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

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

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards, in the interests of promoting cycling as a mode of transport and to safeguard the visual amenities of the building and surrounding area, in accordance with Policy T5 and Table 10.2 of The London Plan (2021), Barnet's Local Plan Policies CS NPPF, CS1 and CS9 of Core Strategy (Adopted) September 2012, and Policies DM01 and DM17 of Development Management Policies (Adopted) September 2012.

6 Prior to occupation of the development, the proposed parking space within the parking area as shown in the approved drawings submitted with the planning application and the access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all time. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

7 The vehicular access shall allow for 2.4 metre by 2.4 metre pedestrian visibility splays to the left and to the right of the access from 2m setback from the back of footway and shall thereafter be maintained free of any visibility obstructions including fencing or planting of shrubs to provide clear visibility between heights of

0.6 metre and 1 metre above the level of the adjoining highway.

Reason: In the interests of highway and pedestrian 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 No works on the public highway, including the creation or modification of a vehicular access as a result of the proposed development, shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans. The applicant will be expected to make an application to the Domestic Crossovers Team, for the creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

Reason: To ensure that the works on 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) Notwithstanding the approved plans, before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

- 10 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. The scheme shall include 1 no new tree with a stem girth of no less than 8cm when measured at 1m from ground level.
- 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.

- 11 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.

- 12 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the 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).

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

- 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 Class of Part 1 of Schedule 2 of that Order shall be carried out within the curtilage of the new 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).

- 15 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).

- 16 a) No development shall take place until details of the levels of the building(s), driveway, footpath(s) and any other changes proposed in the levels of the site in relation to the adjoining land, the highway and opposing properties on Hampton Close 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 character and 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.

- 17 Before the building hereby permitted is first occupied the proposed first-floor window(s) in the north-eastern elevation shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 18 Prior to commencement of all works details (including specification, location, and orientation) of biodiversity enhancement measures (purpose-built bat roost box/tile, bird nest box, insect hotel) have been submitted and approved by the local planning authority. The development hereby permitted shall not be occupied until all ecological enhancement features are installed/constructed in accordance with details shown on the thereafter approved plan and in accordance with guidance of 'Designing for Biodiversity A technical guide for new and existing buildings (RIBA).

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

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. 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 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to

agree a refuse collection arrangement.

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

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

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

- 4 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 Licenses or email highwayscorrespondence@barnet.gov.uk
- 5 guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

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

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

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

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

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

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

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

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

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

- 7 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.

OFFICER'S ASSESSMENT

1. Site Description

The application site is located on Hampton Close. It is an undeveloped plot of land opposite the property 17 Hampton Close. It currently comprises soft landscaping, surrounded by a hedgerow fronting Hampton Close and planting along the frontage with Royal Drive.

The surrounding area is residential in character, comprising a development from the late 1990's/early 2000's on Hampton Close.

Properties are predominantly two-storey terraced houses in similar architectural styles.

Princess Park Manor is situated to the north of the site, which is a large, statutory listed building comprising of converted flats.

The site is not within a conservation area and is located within flood zone 1.

There are no protected trees within close vicinity of the site.

2. Site History

There is no relevant planning history related to this site.

3. Proposal

Erection of a two-storey dwelling with basement level and associated lightwell. Associated refuse/recycling and cycle storage.

The proposed dwelling measures a depth of 7.4 metres in depth, with a lower ground bay window measuring a projection of 0.50 metres, with a pitched roof that also shelters the front door. The dwelling is a width of 5.4 metres, eaves height of 5.20 metres and maximum height of 7.7 metres due to the proposed pitched roof.

The basement has an area of 44sqm, with a lightwell measuring 12.3sqm.

The garden shall measure 84.9sqm and provides space for cycle storage.

1no parking space is provided to the forecourt of the dwelling, as well as bin storage.

4. Consultation

Neighbour Notification

Consultation letters were sent to 93 neighbouring properties. 12 responses have been received, comprising of 12 objections.

The objections can be summarised as follows:

- This is the only green area between these homes, and this breaks the councils promise to keep green spaces.
- Takes away enjoyment of light and open views from properties at princess park manor.
- Two-storey element invades privacy and aspect.
- It does not measure 21 metres from the windows at no. 17.
- Eyesore for existing residents in the cul de sac.
- Overshadowing neighbouring properties.
- Unsuitable land for development
- Construction will require excavators and heavy tipper trucks to carry out excavation of the basement along a road not designed for that size and weight of vehicle.
- Dust during dry periods during construction and muck on the road from construction traffic when wet.
- The proposal is elevated above neighbouring properties and would dominate the area, detracting from the architectural magnificence of the historically important Victorian building at princess park manor.
- Overlooking.
- The original development in 1999 had the space under protected covenant as green space for residents/play areas.
- Noise pollution
- Lack of precedent for basement build.
- Party wall requirements will be required with residents within 6 metres of this proposal as it will be an extremely deep excavation.
- Noise and disturbance to dig out a basement on made-up ground (old hospital rubble) will require piling. This will result in massive amounts of noise and disturbance.
- High impact on birds/foxes who use the grounds.

A second round of consultation was sent out, due to amended plans, which received the additional concerns:

- A site visit has not been made from Barnet Council.
- None of the properties have 4 side windows.
- Increase in the number of windows from one to four, with two at first floor level, will inevitably lead to a loss of privacy for my property and neighbours.
- Piling to a depth of approximately 6-8 metres below the planned underground basement level poses a significant threat to the integrity of Princess Park Manor.

A third round of consultation was sent out, due to a technical error that occurred during the second consultation period. This consultation period is still ongoing, and is due to end on the 5th of July. If any comments are received, these will be added to the addendum.

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 Government's 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, DM16, DM17

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

5.3 Assessment

Principle:

The new dwelling would be situated within a housing estate, where properties are designed to a similar scale, footprint, design, and external appearance as the proposed development. Thus, the wider context of residential development has already been established within the locality.

Furthermore, the plot comprises a small area of underutilised land measuring approximately 220sqm, elevated and enclosed in character and not readily apparent at street level or contributing to a sense of open space for the benefit of the estate (notwithstanding that it is otherwise undeveloped).

The plot is not a designated 'open space' (as identified in the 'Open Spaces Strategy for Barnet'). Access is restricted by way of a locked gate. In any event, those properties otherwise benefit from individual private amenity space and remain in proximity to Friern

Bridge Open Space. Consequently, the site represents a relatively unique opportunity for additional development within the estate and to realise a new house, as opposed to flatted development. As such, it is considered residential development would represent a more efficient use of the land and contribute towards Barnet's housing supply.

This approach is reflected in London Plan Policy H2, which relates to small sites. The policy states that boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to:

- 1) significantly increase the contribution of small sites to meeting London's housing needs
- 2) diversify the sources, locations, type and mix of housing supply
- 3) support small and medium-sized housebuilders
- 4) support those wishing to bring forward custom, self-build and community led housing
- 5) achieve the minimum targets for small sites set out in Table 4.2 as a component of the overall housing targets set out in Table 4.1.

Barnet's 10-year housing target set out in table 4.2 of the London Plan is 4,340 homes on small sites, and 23,360 homes in total (table 4.1). Therefore, around 2,336 homes should be completed each year.

A total of 2,000 new homes were completed in 2021/2022. Whilst this figure reflects the total number of completions, not solely small sites, it indicates that Barnet had a shortfall of completions within the last year. Therefore, whilst the proposal is for just one new dwelling, this would still help contribute towards Barnet's much-needed housing delivery in the efforts to meet the London Plan's expectations.

On the basis of the above therefore, the principle of a two-storey dwellinghouse in this location is considered acceptable.

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 existing site, when viewed from the street, is an enclosed piece of land bordered by a part brick, part hedged boundary treatment.

Whilst it is noted that the proposed development would be more prominent, the proposed two-storey building would be of a height and style to reflect other properties within the housing state, with a footprint that is not excessively larger than the surrounding

properties.

Although the existing site provides some form of contrast to the surrounding hardscaping, standalone greenspaces like this are not typical of the estate. The main Princess Park Manor site to the north is characteristic of larger, open green spaces, and differs from the style of development as seen on roads to the south of the listed building.

Together with the level change, there is a clear distinction between the two parts of the former estate. Therefore, developing this site with a new dwelling would not be fundamentally out of character. In addition to this, the proposal seeks to retain some of the existing part brick, part hedging boundary treatment which currently defines the site.

It should be noted that the current levels of the site are elevated higher than the neighbouring properties. However, the proposal would involve lowering of the land to create an even ground level to match the level of surrounding properties. This is in the interests of ensuring the property does not appear as unusually high in comparison with its neighbours, which would be inharmonious. Therefore, in the event of an approval a condition regarding levels shall be attached to ensure this is complied with.

Whilst it is acknowledged that detached dwellings are not a common feature within the housing estate, which is typically characterised by semi-detached and terrace dwellings, the dwelling has been designed to be visually alike to the other properties within the estate and it shall therefore blend well with its surroundings.

The north-western wall of the dwelling, which borders Royal Drive, will be in line with the north-western wall of no. 17 Hampton Close in the interests of reflecting the pattern of development. Whilst the greenspace leaves a gap between developed land and Princess Park Manor, the building lines will not protrude beyond the northern-most building lines of no. 17 Hampton Close, and Princess Park Manor is cordoned off by a hedgerow directly along the site's boundary, meaning its established character as a listed building will not be unduly harmed.

The property itself incorporates a basement level and associated lightwell, which has undergone amendments. The proposed basement will not have a negative impact on the surrounding character of the area due to its concealed nature. The lightwell has been amended during the lifetime of the application, to reduce its depth so that their prominence is not excessive. Furthermore, walk-on grills have been implemented, and the initially proposed balustrades have subsequently been removed. This also helps to lessen the physical bulk of the design.

An amendment was also requested in regard to the positioning of the façade of the property. Initially, the façade was between 1 metre to 0.5 metres closer to the site boundary, which would have contrasted with the Residential Design Guidance SPD (2016), which states in paragraph 6.10 that the setback of dwellings from a street is a key consideration. In this case, the setback was too little. Setback can define the character of the street, determine the degree of privacy to ground floor rooms and can accommodate storage and service requirements at the front of the dwelling. The plans were amended to range from 2 metres to 1 metre from the road. Thus, as the relationship to the street is a strong pattern within the housing estate, the amendment seeks to respect this element of design.

Whilst the setback is not as significant as surrounding properties, each site should be considered on its own merits, and it should be understood that as a result of the nature and shape of the current site, it would not be possible to be as significant as other

properties. However, an example of a smaller setback is seen at 9 and 10 Baron Close, whereby the properties are positioned in a similar central, more constrained locality, surrounded by other properties to the east and west. Thus, the setback proposed would be acceptable.

The proposed materials, as confirmed in the design and access statement, will be to match those used for the dwellings in the housing estate. This is in the efforts to ensure the proposed dwelling will seamlessly fit into the established character of the estate, and not appear as an outlier or inharmonious form of development. A condition will be attached in the event of an approval for the specific details regarding materials to be submitted and approved by the LPA.

In the north-east flank wall of the dwelling, the LPA requested for two windows to be added at first floor level to add visual interest to the property. A bare brick flank wall would have been unduly prosaic, especially due to the positioning of this wall in relation to the street and surrounding properties whereby it is highly visible.

As a result of the amendments, on balance 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.

Princess Park Manor:

Situated to the north-west of the site is the listed building Princess Park Manor. The Northern-most flank wall (rear wall) of the dwelling will be located at a distance of 18 metres from the habitable windows of some of the flats in the listed building. Due to the absence of windows to the rear of the dwelling, no concerns are raised with regard to overlooking or loss of privacy. It is also acknowledged that the land which Princess Park Manor sits upon is elevated slightly higher than the land of the housing development to the south. As the application site is to be lowered in ground level to match levels of the housing estate, the proposed dwelling will not be seen as an unduly large, overbearing structure from the windows of Princess Park Manor.

Furthermore, a distance of 18 metres is a significant gap to ensure that no undue levels of overshadowing, or loss of light.

17 Hampton Close:

To the south-west of the site is no. 17 Hampton Close. The proposed dwelling's south-west wall will be facing no. 17's front façade. Barnet's Sustainable Design and Construction SPD (2016) 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.

The new dwelling's ground and first floor windows, which serve the kitchen/dining area and bedroom, overlook the proposed outdoor amenity space. The distance between these

windows and the front windows of no. 17 Hampton Close measures 21.30 metres, which therefore complies with Barnet's standards. Resultantly, no concerns are raised in regard to privacy and overlooking.

The proposal is also not considered to cause any loss of light, overshadowing and overbearing impact to a detrimental extent. At a distance of 21.30m, the building will not inflict harm upon occupiers at no. 17. The boundary treatments to the site will remain the same as existing.

No. 8 Hampton Close:

To the south-east of the site is no. 8 Hampton Close, whereby the front façade of the property faces the south-west, and the side of the property is directly opposite the new proposed dwelling.

The flank wall of no. 8 does not have any windows at first floor level and has one small transparent window at ground floor level.

Therefore, the distance of 11.90m from no. 8's flank wall is significant enough to ensure no undue loss of light or overshadowing will be caused to the ground floor window. In the interests of privacy, the façade of the new dwelling overlooking the side wall of no. 8 ensures that any primary habitable windows to the front and rear of the dwelling are not overlooked. The presence of a small ground floor window does not raise concern to a level that would warrant a refusal, as the property's primary habitable windows will be situated to the front and rear of the dwelling, so as to avoid any harmful levels of overlooking. A similar relationship between windows can be seen at no. 6 Hampton Close, where the side facing, transparent ground floor window faces the front façade of no.'s 1 and 2.

18-28 Hampton Close:

To the north-east of the site are property no.'s 18-28 Hampton Close. The north-eastern side wall of the new dwelling will be situated at a distance of 47m from the front façades of these dwellings. Therefore, no concerns are raised in regard to loss of light, overlooking, overbearing impact or loss of outlook.

On balance, the proposal is considered to have an acceptable impact upon neighbouring properties, and any harmful impact upon their amenity is avoided, in compliance with DM01.

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 three-storey 2-bedroom 3-person dwelling is 58 sqm. The proposed dwelling reads as a two-storey property, however there is also a basement level. Standards for a 3-storey 2-bedroom house are not established within Table 3.1 of the London Plan. However, the proposed GIA of 101.3sqm would exceed the minimum requirement for a 3 bed, 3 storey dwelling and therefore it is considered that the proposal would be in excess of any reasonable provision.

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 double bedroom in the new dwelling serves a double bed for two people and has an area of 12.2sqm. The plans have been amended to show that the double bedroom will be a minimum width of 2.75m, in order to comply with Barnet's requirements.

The proposed single bedroom measures an area of 8.4sqm and width of 2.13m, which is just 2cm short of the required 2.15m width, which would not warrant a reason for refusal, especially as the area exceeds the minimum requirement.

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 13m², or the dining space if it is divided from the working area by a moveable partition.

The proposed lounge/dining area measures 27.60sqm and is provided with 6sqm of glazing, which is therefore in excess of the 20% guideline.

The proposed front bedroom measures 8.40sqm and is provided with 2.20sqm of glazing, which is also in excess of the 20% guideline.

The proposed double bedroom measures 12.20sqm and is provided with 2.40sqm of glazing, which meets the 20% guideline.

The basement benefits from some glazing, however this space serves an office room and play area which are not considered to be habitable rooms. Light shall be received through the lightwell and windows at this level.

Outlook:

All rooms at ground floor and first floor are considered to have high quality levels of outlook.

Due to the nature of a basement, the office space and playroom at lower-ground level will have a poorer outlook. However, this would not be a reason to warrant a refusal.

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 84.9sqm of outdoor private amenity space, which is therefore largely in excess of the requirement.

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:

Given that the site lies within a PTAL 2 zone, which means that there is poor public transport accessibility to and from the site, with regard to Table 10.3 pursuant to Policy T6.1 of the London Plan (2021), the required off-street car parking provision for this proposal would be up to 0.75 spaces for a 2 bedroom house. 1no space is provided, which would be consistent with that expectation.

Highways were consulted during the lifetime of the application and requested for a swept path analysis to be submitted. This was provided, whereby highways stated the following:

The swept path analysis provided shows that vehicles should be able to access and egress the off-street car parking space safely. The applicant is advised that visibility must be kept clear at all times to ensure that drivers and pedestrians accessing the site can clearly see any oncoming traffic and vice versa.

Therefore, the council's highways team have deemed the proposed acceptable, subject to 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 4 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. 3x 240 litre waste bins (garden, general and recycling bins) are provided, as well as a 23-litre food waste bin, as per Barnet's requirements. Prior to occupation of the development details of refuse collection must be submitted to and approved in writing by the Local Planning Authority if the application is recommended for approval.

Trees

The council's Tree Officer was consulted during the lifetime of the application.

It is understood that a large sycamore tree has been removed from the application site. This tree was a prominent feature in the landscape; however, it was not protected by a Protection Order.

The tree officer has recommended for a scheme of hard and soft landscaping comprising of native trees and shrubs to be incorporated into the development to provide mitigation for the loss of this tree. In the event of an approval, the condition will read as follows:

- 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. The scheme shall include 1no new tree with a stem girth of no less than 8cm when measured at 1m from ground level.
- 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.

Ecology

The council's ecologist was consulted during the lifetime of the application.

Given the nature and scale of the works for this site and the very limited risk of impact of suitable nesting bird habitat, the following condition has been requested:

Prior to commencement of all works details (including specification, location, and orientation) of biodiversity enhancement measures (purpose-built bat roost box/tile, bird nest box, insect hotel) have been submitted and approved by the local planning authority. The development hereby permitted shall not be occupied until all ecological enhancement features are installed/constructed in accordance with details shown on the thereafter approved plan and in accordance with guidance of 'Designing for Biodiversity A technical guide for new and existing buildings (RIBA).

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

5.4 Response to Public Consultation

(This is the only green area between these homes, and this breaks the councils promise to keep green spaces)

- As mentioned in the body of the report, the plot is not designated 'open space' and the size and siting of the land is considered to be suitable for residential development, in order to contribute towards Barnet's housing supply. It is not considered to be a significantly important area of greenspace.

(Takes away open views from properties at princess park manor)

- As discussed, the building lines will be parallel to the northern-most building lines of no. 17 Hampton Close, and Princess Park Manor is cordoned off by a hedgerow directly along the site's boundary, meaning its setting and established character as a listed building will not be unduly harmed.

(Two-storey element invades privacy and aspect.)

- Levels of overlooking are considered to be no different to those of surrounding properties.

(It does not measure 21 metres from the windows at no. 17.)

- The proposed plans and elevations indicate a distance of 21.7m from the windows at no. 17. No empirical evidence has been provided to the contrary.

(Eyesore for existing residents in the cul de sac.)

- The property will be of alike materiality, similar dimensions, and aesthetics to neighbouring properties, which therefore will help the property to fit in with its surroundings. The LPA do not consider the development to be an eyesore.

(Overshadowing neighbouring properties.)

- The property will be at a distance of 47m away from dwellings to the north of the site, 21.3m from 17 Hampton Close, and 11.90m from no. 8 Hampton Close. All of these measurements are considered to be significant enough to avoid harmful levels of overshadowing.

(Construction will require excavators and heavy tipper trucks to carry out excavation of the basement along a road not designed for that size and weight of vehicle)

- This is not a planning matter.

(Dust during dry periods during construction and muck on the road from construction traffic when wet.)

- This is not a planning matter.

(The proposal is elevated above neighbouring properties and would dominate the area, detracting from the architectural magnificence of the historically important Victorian building at princess park manor.)

- A levels condition will be attached to the decision if the application is to be approved. This will ensure the property is not elevated above neighbouring houses.

(Overlooking)

- As aforementioned, the proposed dwelling will be at a distance of 47m away from dwellings to the north of the site, and 21.3m from 17 Hampton Close. These measurements are considered to be significant enough to avoid harmful levels of overlooking according to Barnet's Sustainable Design and Construction SPD (2016). The presence of a small ground floor window in no. 8's flank wall does not raise concerns of overlooking to a level that would warrant a refusal, as it is common for properties to have clear-glazed, ground floor side facing windows.

(The original development in 1999 had the space under protected covenant as green space for residents/play areas)

- In determining the planning application, the existence of a covenant on the land relating to the title is not a relevant planning matter. It is only pertinent whether the proposal is acceptable with regard to the policy context, however, any grant of consent would not override any other relevant obligation and any such restriction on use of the land would continue to be enforceable but is a matter between the relevant parties to the agreement.

(Noise pollution during the construction phase)

- This is not a matter relevant to the determination of the application. A condition is also proposed for a Demolition and Construction Management Plan to mitigate the impact and the operation of the construction site would remain subject to obligations relating to statutory nuisances.

(Lack of precedent for basement build.)

- Whilst there is a lack of immediate precedent, the proposed basement is an acceptable size with discreet associated walk-on grills. In addition to this, it will not harm the amenity of neighbours and therefore is considered to be acceptable.

(Party wall requirements will be required with residents within 6 metres of this proposal as it will be an extremely deep excavation.)

- Party wall is a separate matter from planning. In addition to this, no other properties fall within a 6-metre radius.

(Noise and disturbance to dig out a basement on made-up ground (old hospital rubble) will require piling. This will result in massive amounts of noise and disturbance.)

- This is not a planning matter.

(High impact on birds/foxes who use the ground)

- The council's ecologist has been consulted during the lifetime of the application, who did not raise concern to the loss of the green space. However, the ecologist did recommend that appropriate enhancement measures could be included in the design, in the interests of potential nesting birds within the hedgerows.

A second round of consultation was sent out, due to amended plans, which received the additional concerns:

(A site visit has not been made from Barnet Council)

- A site visit was carried out on Tuesday the 17th of January 2023.

(None of the properties have 4 side windows)

- Each case must be discussed on its own merits. Due to the positioning of the property, which is highly visible from the street scene, the extra windows add visual interest.

(Increase in the number of windows from one to four, with two at first floor level, will inevitably lead to a loss of privacy for my property and neighbours)

- The two first floor windows can be conditioned to be obscure glazed to ease concern of neighbouring properties, however the LPA do not consider that the windows would cause any undue levels of overlooking, considering the large distance between the properties situated to the north-west of the property.

(Piling to a depth of approximately 6-8 metres below the planned underground basement level poses a significant threat to the integrity of Princess Park Manor)

- This is not a planning matter, and the building process would be overlooked by the Building Control department.

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.

