

Location **51A Gloucester Road Barnet EN5 1RZ**

Reference: **22/2853/FUL** Received: 27th May 2022
Accepted: 27th May 2022

Ward: Barnet Vale Expiry 4nd July 2023

Case Officer: **Zakera Matin**

Applicant: Mr S Jodieri

Proposal: Erection of a new two storey dwelling with rooms in the roofspace following demolition of the existing dwelling and garage. Associated amenity space, off-street car parking

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:

SK-01 B
SK-02 B
SK-03 B
SK-04 B
SK-05 B
SK-06 B
SK-07 B
SK-08 B
SK-09

Ecological Assessment (Comprising Extended Phase 1 Habitat & Protected

Species Scoping Surveys and Bat Survey)
BSi 5837 Arboricultural Report (2 December 2022)
Sustainability Statement

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) 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).

6 a) 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.

7 Before the development hereby permitted is first occupied or the use first commences the parking space shown on Drawing No. SK-07 B; shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and the London Plan 2021.

8 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be

submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of the development.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SI 1, SI 7, D14 and T7 of the London Plan 2021.

- 10 The roof of the single storey rear projection hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 11 Before the building hereby permitted is first occupied the proposed window(s) in the flank elevation facing no.51 Gloucester Road, shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 12 No works on public highway including creation or modification of a vehicular access or reinstatement of a redundant crossover to footway 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 enter into with the Highways Authority under Section 184 Agreement of the Highways Act, for works affecting public highway including 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.

- 13 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be

replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and G5 and G7 of the London Plan 2021.

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

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

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and G7 of the London Plan 2021.

- 15 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection measures detailed with the submitted OMC Associates BSi 5837 Arboricultural Report CLIENT: SITE: 51a Gloucester Road, New Barnet, EN5 1RZ OUR REF: 01966/CJO/1112 DATE OF REPORT: 2 December 2022 approved under this application has been erected around existing trees on site.

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

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy G7 of the London Plan 2021.

- 16 The site clearance and any mitigation measures shall be implemented in full in accordance with details submitted and approved as per Ecological Assessment (Comprising Extended Phase 1 Habitat & Protected Species Scoping Surveys and Bat Survey), under this condition.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012); the Sustainable Design and Construction SPD (adopted October 2016); and, Policy G6 of the London Plan 2021.

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A to E of Part 1 of Schedule 2 of that Order shall be carried out within the area hereby approved.

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

- 18 The premises shall be used for C3 (Dwellinghouse) and for no other purpose (including any other purpose in Class C4 (Houses in Multiple Occupation) of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

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

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

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

- 21 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and

achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of the London Plan 2021 and the 2016 Mayors Housing SPG.

- 22 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 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), the London Plan (2021) and the 2016 Mayors Housing SPG.

- 23 Prior to occupation of all works details of all proposed ecological enhancement measures (including bat roost boxes, bird nest boxes, insect hotels and hedgehog boxes) have been submitted and approved by the local planning authority.

The development hereby permitted shall not be occupied until all ecological enhancement features once approved shall be installed/constructed in accordance with details shown on the thereafter approved plan.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012); the Sustainable Design and Construction SPD (adopted October 2016); and, Policy G6 of the London Plan 2021.

Informative(s):

- 1 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase

to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

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

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

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

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

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

- 2 Any artificial lighting scheme should be designed to minimize the impact it has on potential bat roosting and commuting. Lighting should be in line with the BCT lighting guidelines (Bats and Lighting in the UK (Bat conservation trust, 2018) <https://www.theilp.org.uk/documents/guidance-note-8-bats-andartificial-lighting/>). Any such artificial lighting should be of low level, be on downward deflectors and ideally be on PIR sensors. Using LED directional lighting can also be a way of minimizing the light spill affecting the habitat. No up-lighting should be used. This will ensure that the roosting and commuting resources that the bats are likely to be using is maintained.

- 3 Wild mammals are protected under the Protection of Wild Mammals Act 1996 from undue suffering due to crushing or asphyxiation. Therefore, all excavations, trench and bore holes would need to be either covered over at the end of the day or provided with a 45-degree ramp to prevent mammals become trapped within them. If any trapped mammals or other wildlife such as common toads are found within the trench then works are to halt and a suitably qualified ecologist is to be contacted to It is expected that an appropriate precautionary mitigation strategy would be sufficient to mitigate the risk of impacting these species.
- 4 Avoid all vegetation clearance during the active nesting bird season. If this cannot be reasonable avoided and any tree / vegetation clearance required to be removed during the active nesting bird season and cannot reasonable be avoided, then a nesting bird check must be conducted prior to commencement of clearance by a suitably qualified ecologist. Any active birds
- 5 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

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

To ensure the replacement trees meet bio-security standards they should be purchased from a DEFRA accredited supplier.
- 6 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 7 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.
- 8 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section -

Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.

- 9 The submitted Construction Method Statement shall include as a minimum details of:
- o Site hoarding
 - o Wheel washing
 - o Dust suppression methods and kit to be used
 - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
 - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
 - o Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.
 - o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

OFFICER'S ASSESSMENT

The application is referred to committee because of number of objections received.

1. Site Description

The application site is located at 51A Gloucester Road, Barnet, Herts, EN5 1RZ and currently contains a single storey bungalow style family dwelling. Single family detached and semi-detached dwellings are located to the west of the application site along Gloucester Road. Large 3 storey flatted building is located adjacent to the application site to the north and east. Protected trees are located on properties adjacent to the site, however, there are no protected trees located on the application site.

No.51 Gloucester Road is a two storey semi-detached property sited to the west and features a single storey garage along the common boundary with the subject site. No.1 to 12 Kingsclere Court block of flats is sited to east and features parking along the common boundary. No 38 Lyonsdown Road is sited to the east and its rear garden abuts the east boundary of the subject site.

The site is not located within a conservation area (designated as Article 2(3) land in The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended) and is not within an area covered by an Article 4 direction. Furthermore, there are no conditions attached to the site which remove permitted development rights.

2. Site History

Reference: B/04953/13

Address: 51A Gloucester Road, Barnet, Herts, EN5 1RZ

Decision: Refuse

Decision date: Mon 06 Jan 2014

Description: Demolition of existing single storey bungalow followed by construction of a three storey building with accommodation in the roof space and a basement level with 7 car parks, to facilitate the creation of 7 self-contained flats. Provision of refuse facilities and amenity space

Reference: B/03556/14

Address: 51A Gloucester Road, Barnet, Herts, EN5 1RZ

Decision: Refuse

Decision date: Thu 28 Aug 2014

Description: Demolition of existing single story bungalow and garage followed by construction of a two-storey building with accommodation in the roof space and a basement to provide 6 cars parking spaces (including 1 disabled car parking space), cycle storage, garden waste storage and other storage to facilitate the creation of 6 self-contained units (comprising 1x3-bedroomed, 3x 2-bedroomed and 1x2-bedroomed flats) together with associated refuse storage and amenity space.

Reference: 15/06081/FUL

Address: 51A Gloucester Road, Barnet, Herts, EN5 1RZ

Decision: Refuse

Decision date: 25.11.2015

Description: Construction of 2 no. two storey semi-detached houses with rooms in roofspace following the demolition of the existing bungalow. Provision of car parking, refuse, cycle storage and amenity space.

Reference: 17/4912/FUL

Address: 51A Gloucester Road, Barnet, Herts, EN5 1RZ

Decision: Withdrawn

Decision date: 26.09.2017

Description: Construction of 2no. two storey semi-detached houses following the demolition of the existing bungalow. Associated car parking, refuse, cycle storage and amenity space

Reference: 17/8025/192

Address: 51A Gloucester Road, Barnet, Herts, EN5 1RZ

Decision: Lawful

Decision date: 15.01.2018

Description: Single storey side and rear extension

3. Proposal

The application seeks permission for erection of a new two storey dwelling with rooms in the roofspace following demolition of the existing dwelling and garage. Associated amenity space, off-street car parking.

4. Public Consultation

Consultation letters were sent to 59 neighbouring properties.
21 comments received as below

Comments received on original submission

- MP Theresa Villiers objected on the proposal and mentioned that it would be an over-development of the site and not in keeping with existing properties in the neighbourhood; impact on TPO trees and parking.
- Wider footprint, overbearing property out of scale with the rest of the buildings in the road
- Several Trees have TPO on the property and to the side
- Arboricultural report is outdated
- Out of character and the proposal would take up the majority of the plot and create a significant mass that would have a negative impact on the streetscene and would completely dominate the existing house at 51 Gloucester Road
- The scale development on the shared boundary with no 51 will create overly cramped conditions and will have averse impact on the levels of daylight received and the sense of enclosure experienced by the residents at NO 51.
- Previous planning applications have been rejected on the grounds that significant trees with TPOs will be seriously adversely affected.
- Precautions need to be taken to prevent subsidence
- Overbearing impact, loss of outlook, overlooking and would crease sense of enclosure for no.38 Lyonsdown Road
- Impact on congestion of road
- Damage to the roots and these trees subject of Tree Preservation Orders(TPO) either during the demolition of the current dwelling (Bungalow) or/and during the construction of the proposed dwelling

Comments received on amended scheme

- Single storey extension proposed at the back is unnecessarily large
- Impact on TPO trees on neighbouring sites
- Impact on parking, traffic and congestion on street
- Probability of subsidence associated with the development
- The design, scale, massing and density of the development is not in keeping with the character of the surrounding area.
- Impact on boundary wall
- Loss of wildlife
- Carbon impact of demolition and construction
- The amended plans show a minor reduction at the front i.e. Gloucester Road, the design and visual appearance will not satisfactorily integrate within the street scene
- We would request attaching a planning condition to protect against any future subdivision of the property into self- contained apartments or HMO units
- Probable noise and disturbance

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must

determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

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

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

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.

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.

Relevant London Plan Policy: D1, D4, D6, D7, G7, T5, T6, SI 2, SI 5.

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, CS4, CS5, CS9, CS13.
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM17

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan 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)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Provision of suitable accommodation for future occupiers
- Provision of waste recycling and cycle parking
- Sustainability and Accessibility
- Highways and parking.
- TPO trees
- Ecology

5.3 Assessment of proposals

The proposal has been amended to make it acceptable. Setback from the neighbouring properties increased and the proposal has been reduced in bulk.

Impact on the character and appearance of the existing site, streetscene and wider locality

Policy CS5 Protecting and enhancing Barnet's character to create high quality places' seeks to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design. Policy DM01 states that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The NPPF supports this and stipulates that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation but instead development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

Policy D3 of the London Plan (2021) states that developments should "respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character". In addition, buildings should "be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well".

Policy CS5 states that, " We will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design."

SPD Residential design guide in paragraph 6.12 states that, "Proposals for new residential development should respond to the distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context."

Paragraph 6.13 goes on to state that, "New development should recognise the scale, massing and roof form of surrounding buildings and reflect these where they are a positive attribute of the area's character. Consideration should be given to the grouping of buildings, roof pitches, the detailing of eaves and gables, chimney stacks and the size/siting of any dormer windows. New development should reflect the existing building lines and rhythm of the street."

It further states that, "great care should be taken when incorporating contemporary design into the existing urban fabric. New and old buildings can co-exist without negatively influencing the character of the area, but new development should always sit comfortably with its neighbours."

The proposal has been amended by increasing the set back from neighbouring properties and reducing the bulk of the proposal.

It is noted that, neighbouring property no.51 Gloucester Road a two storey semi-detached property sited to the west and features a single storey garage along the boundary. No.1 to 12 Kingsclere Court block of flats is sited to east and features parking along the common boundary. No 38 Lyonsdown Road is sited to the east and its rear garden abuts the east boundary of the subject site.

The proposed dwelling would replace existing single storey bungalow at site. Existing dwelling is sited 2.9m from the boundary of no. 1 to 12 Kingsclere Court and 3.9m from the boundary of no.51 Gloucester Road. It is 15m deep and 8m wide. There is a garage abutting the boundary of no.51. Gloucester Road.

It is noted that the property has a certificate under a S192 application ref: 17/8025/192 for single storey side to rear extension. The extended house if built on site would be sited 1m from the boundary of no. 1 to 12 Kingsclere Court and would abut the boundary of no.51. Gloucester Road. It would extend 4m at the rear of the original dwelling. It would have total depth of 19m and width of 13.7m. Given the certificate this would be considered as a fall back position under this application.

The proposed amended scheme would be sited 1.m to 1.22m away from the boundary with no. 1 to 12 Kingsclere Court and 2m to 2.25m away from the boundary of no.51 Gloucester Road. The front building line would be set back 0.5m from the existing front building line. It would be in same building line with no.51.

The proposed dwelling would be 17.7m deep and 11.8m wide less than the approved single storey extensions under 17/8025/192. The rear projection at single storey level would be maximum 3m from the existing rear wall of the building. This element is set back from the boundary of no. 1 to 12 Kingsclere Court by 1.9m and from the boundary of no.51. Gloucester Road by 3.4m. The total depth of the single storey element would be 6m and it would be 3m high with flat roof. This element would be 1m less deep than the approved single storey rear extension under 17/8025/192. The footprint at ground level of the proposed scheme would be less than approved footprint under 17/8025/192.

The proposed two storey element would be 11.5m deep and 11.8m wide. It would project

1m at rear from the rear building line of neighbouring no.51. It would feature 2 storey projecting bay windows at front which would be 1m deep and would feature hipped roof. The proposed building would be 8.5m high at ridge level and 5.3m high at eaves. The proposed roof would be lower than the roof of no.51 and no 1 to 12 Kingsclere Court. The eaves height would be similar to eaves height of no.51.

The street is characterised by mostly two storey semi-detached dwellings of traditional design. The proposed dwelling would retain traditional features, such as two storey bay window with hipped roof, hipped roof form and would sit comfortably within the neighbouring 2 to 3 storey properties and the street scene. The proposed scale would respect the scale of the neighbouring properties along the street. The proposal would maintain sufficient gap from the side boundaries and would not appear cramped or overbearing. It would maintain 6.7m gap from the two- storey flank wall of no.51 and 21.7m gap from the three storey flank wall of no. 1 to 12 Kingsclere Court. It is noted the proposal would also be separated by existing single storey garages of neighbouring properties.

The revised scheme is considered to respect the character of the area and streetscene and would sit comfortably with the neighbouring buildings.

Impact on the amenities of neighbours

Policy DM 01 states that, Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

It further mentions that,

"Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the well being of the boroughs residents."

SPD Residential Design Guide recommends minimum 2m gap between two storey flank wall of dwellings. It is noted that the proposal would maintain 6.7m gap from the 2 storey flank wall of no.51 and 21.7m gap from the 3 storey flank wall of no. 1 to 12 Kingsclere Court. The dwelling would be sited 1.m to 1.22m from the boundary with no. 1 to 12 Kingsclere Court and 2m to 2.25m away from the boundary of no.51. Gloucester Road.

SPD Residential Design Guide recommends single storey rear extension of 4m depth for detached dwelling. The rear projection at single storey level would be maximum 3m from the existing rear wall of the building. The total proposed 6m deep (from the rear of 2 storey element) single storey rear element would be 1m less deep than the approved single storey rear extension under 17/8025/192.

The 2 storey element would project 1m at rear from the rear building line of neighbouring no.51 which features garage abutting the common boundary. The single storey element would be total 6m deep and 3m high with flat roof and the rear 2.5m, it would seat back from the boundary with no.51 by 3.4m. The immediate rear part of the single storey element adjacent to no. 51 would measure 4.5m from the rear building line of garage of no.51. In this context the proposal is not considered to cause any overshadowing or overbearing impact for neighbouring property no.51 because of sufficient separation gap and acceptable depth and height of the proposal along the common boundary.

The proposal features flank wall windows serving utility, bathroom, office and dining facing no.51. A condition is attached to ensure these windows would be obscured glazed

permanently fixed shut with only a fan light opening to preserve amenity of no.51.

The proposal would be sited 21.7m from the three storey flank wall of no. 1 to 12 Kingsclere Court and 1.m to 1.22m from the boundary with that property which features garages along the boundary. The single storey element of the proposal would be set back from the boundary of no. 1 to 12 Kingsclere Court by 1.9m at the rear section. In this context the proposal is not considered to cause any overshadowing or overbearing impact for neighbouring property of no. 1 to 12 Kingsclere Court because of significant separation distance and presence of garages.

The flank elevation facing 1 to 12 Kingsclere Court feature living and dining room windows. Because of the distance of 21.7m from the three storey flank wall of no. 1 to 12 Kingsclere Court, these windows are not considered to cause any overlooking for that neighbouring occupier.

The flank wall facing no.38 would be sited 1.9m from the rear boundary of no.38 and 96.5m from the rear wall of no.38 and not considered to cause any overlooking, overbearing or overshadowing impact for that property because of significant separation gap.

The rear garden would be 13.5m deep and the proposal is considered not to have any detrimental amenity impact for Wardrew Court at the rear of the site , which features parking at the rear of the property.

Provision of suitable accommodation for future occupiers

In terms of amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation.

The proposed 4 bedroom 8 person family dwelling with Gross Internal Floor Area (GIA) of 359 sqm would be more than minimum required. The double bedrooms would be more than required 11.5 sqm which would meet the minimum standard. The proposed storage space would also meet the minimum requirement.

The rooms would benefit from good outlook and receive adequate daylight and sunlight.

To address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, a minimum ceiling height of 2.5m for at least 75% of the gross internal area is required by London Plan (2021) so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space. The proposal would meet the standard in this regard.

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. The Sustainable Design and Construction SPD advises that for a dwelling with up to seven and more habitable rooms needs to provide 85 sqm of outdoor amenity space. The proposed rear gardens would measure 206 sqm and would be more than the requirement.

Accessibility and Sustainability

The application scheme is required by Policy D7 of the London Plan (2021) to meet Building Regulation requirement M4(2). A condition is attached to ensure compliance with the Policies.

In respect of carbon dioxide emission reduction, the proposed scheme has to designed to achieve 10% CO2 reduction to comply with the requirements of Policy SI 2 of the London Plan 2021 and a condition is attached to ensure compliance with the Policy.

In terms of water consumption, a condition is attached to require the dwellinghouse to receive water through a water mete, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy SI 5 of the London Plan (20 21).

Highways and Parking

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

Council's Highway officer was consulted on the proposal. The officer informed that, The Public Transport Accessibility Level (PTAL) for the site is assessed as 3 which is regarded as average transport accessibility. New Barnet Underground Station is located 5 - 6 minutes walking distance from the site. 2 TFL bus routes from both directions can be accessed from Lyonsdown Road which then connects to Great North Road, is 5 - 6 minutes walking distance from the site.

The site is located within a residential area and the surrounding area comprises of two-storey detached and semi-detached residential properties. The surrounding area has large number of (1-9), (1 -20) residential flats and is situated proximity to New Barnet and East Barnet Village Town Centre. The nearby road of the site has many Travel Lodges and Cedars Care Home is situated 2 -3 minutes walking distance from the site. The site is not located within a Controlled Parking Zone.

According to the Parking Standards as set out in Barnet Council's Local Plan Development Management Policy DM17, the range of vehicular parking spaces which would need to be provided as part of the proposed development is between 0 and 2 parking spaces.

London Plan 2021 in Table 10.3 provides maximum residential parking. For Outer London with PTAL 2 - 3 for dwelling with 3 or more bedrooms the requirement is 1 space per dwelling.

The proposed parking at front will comply with the standard.

Cycle parking and cycle storage facilities should be provided in accordance with the London Borough of Barnet's Local Plan, in the interests of promoting cycling as a mode of transport. The required number of cycle parking spaces as per the proposal is 2no spaces. The applicant is requested to provide the location of the cycle store on the revised plan.

The applicant subsequently provided revised plan showing enclosed cycle storage in the rear garden, which is considered acceptable.

-Waste Recycling

Paragraph 11.10 of the Residential Design Guidance SPD 2016, states that, "Waste and

recycling storage can cause a nuisance to neighbours and future occupiers, by reason of odour and noise, and can be visually intrusive in the streetscene. Waste and recycling storage areas should be integrated within the building or provided on-site and screened within an enclosure or by landscaping avoiding garden areas in front of dwellings."

The applicant is advised that the bin store (s) will need to be located within 10 metres from public highway with clear access provided for the refuse collection staff otherwise the dustbins will need to be brought to the back of footway on collection days.

Amended drawings show location of waste and recycle storage along the boundary with no.51. These would be enclosed in timber structure measuring H 1300X W 2305 X D 820MM, which is considered acceptable.

Please note that the Council's Domestic Vehicle Crossover Policy adopted in April 2019 allows crossovers of 2.4-metre minimum width and 4.2-metre maximum width with a minimum distance of 2.4 metres between adjacent crossovers. The applicant will require to submit an application to Domestic Crossover Team.

Highway raised no Objection subject to conditions.

Ecology

National policy states that "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

Core Strategy Policy CS7: Protecting and Enhancing Barnet's Open Spaces, aims to protect and enhance biodiversity across the borough. The network of green spaces, places and features that thread through and surround urban areas and connect town to country are known as Green Infrastructure. Barnet's Green Infrastructure includes: Green Belt and MOL, parks and gardens, natural and semi-natural green spaces, trees, hedgerows and green corridors, playing pitches and outdoor sports facilities, amenity green space, landscape, children's play facilities, allotments, community gardens and urban farms, cemeteries and churchyards, rivers, streams (including the Blue Ribbon Network) and open water areas as well as green roofs and walls.

DM16 states that, "When considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity."

Councils Ecologist was consulted on the proposal. The officer has no objection to the findings of the submitted Ecological Assessment (Comprising Extended Phase 1 Habitat & Protected Species Scoping Surveys and Bat Survey).

Officer's comments as below:

Ecology

- No bats were recorded emerging from the building during the bat emergence survey (15th May 2023). No further surveys required.
- Appropriate ecological enhancement measures (including bat roost and bird nest boxes) are to requested subject to approval.
- No vegetation clearance is to take place during the nesting bird season (March to August

inclusive) without a pre-commencement nesting bird check being undertaken by a suitable qualified ecologist.

Biodiversity Net Gain

-Not applicable for the proposed development.

Soft landscaping

- Advised that the lawn should be designed with species rich seed mix or turf consisting of a ratio of 70/30 native grass to flowering plants as such flowering plant species and grasses provide high value to pollinating insects including bees, butterflies.

-Any proposed tree, hedge, or shrub planted lost as part of the scheme be replaced on a like for like basis with of higher biodiversity value.

-Planting of night scented plants should also be included where feasible. An extensive list of suitable plant species can be found on the RHS advice page <https://www.rhs.org.uk/advice/pdfs/plants-for-bats.pdf>.

The officer has no objection to the proposal.

Trees

British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations clearly sets out the requirements for tree retention in proximity to development and will be used as the benchmark for considering development proposals.

Policy DM01 of the Adopted Barnet Development Management Policies advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

Trees make an important contribution to the character and appearance of the borough. Trees which are healthy and are of high amenity value can be protected by the making of a Tree Preservation Order (TPO) under the Town and Country Planning Act 1990. Tree Preservation Orders can help to protect trees from inappropriate treatment and prevent their removal, as permission must first be sought from the council to carry out most types of tree surgery.

Appropriate protection of TPO trees and those identified for retention will be expected in line with good practice during construction of a development.

Council's Arboriculturist was consulted on the proposal.

Council's Arboriculturist's comments are as below:

At the front and either side of the property there are protected trees T9 and T11 shown as T2 and T5 on the applicants plans. The trees located within Kingsclere Court have very high level of public amenity and contribute significantly to the character of the local area.

The front garden is elevated above the street level with an existing driveway up to the house. The current proposal provides cell web over the tree root protection area which subject to level details maybe acceptable.

The increase in the proposed width of the building will impact on T7 a cypress (Cat B moderate value and a constraint) and G2 Tree of heaven (Cat C low value) located on adjoining land to east (right hand side). This will require the removal of 50% of the nominal root protection area and additionally require the removal of all overhanging branches. However due to it's current context the cypress tree, very close to the existing bungalow would not merit special protection.

The following trees B1 trees - 1 No. (T8) C2 trees - 1 No (T4) will be removed to facilitate the proposal. Provided the arboricultural method statement and tree protection plan is strictly adhered to the important amenity trees either side of the application site should remain relatively unharmed.

No detailed landscape plan has been submitted. The design of the frontage must incorporate replacement trees for those removed T4 and provide additional visual softening for the larger dwelling. 3 scots pine planted in the front planter would make a significant long term contribution the character of the street.

The loss of T8 a mature apple tree must also be replaced with a suitable number of fruit trees either apple, pear, plum or cherry.

The officer commented that the applicant has demonstrated that it is possible to develop the site as applied provided all aspects of the submitted method statement and tree protection plan are fully implemented.

The officer has no objection subject to the following conditions for

- Levels Pre-commencement
- Hard & Soft landscaping
- Excavation for services Pre-commencement
- Tree protection and method statement to include on site monitoring of tree protection measures .

Subject to attached conditions the proposal is not considered to cause any detrimental impact on Protected trees.

5.4 Response to Public Consultation

Addressed in the report.

- Boundary issue is not a material planning consideration.
- Subsidence would be dealt at Building Control stage

6. Equality and Diversity Issues

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

7. Conclusion

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.

