

**Location** **Land Adj To 1 Westcombe Drive Barnet EN5 2BE**

**Reference:** **23/3893/FUL** Received: 11th September 2023  
Accepted: 11th September 2023

Ward: Underhill Expiry 6th November 2023

**Case Officer:** **Zakera Matin**

Applicant: Mr Paul Hamilford

Proposal: Erection of a two-storey detached dwelling. Associated new vehicular access, parking, refuse and recycling and amenity space

### **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:

HAM/23/01  
HAM/23/02 B  
HAM/23/03A  
HAM/23/04  
HAM/23/05A  
Location Plan  
Planning Statement  
Preliminary Bat Roost Assessment  
Preliminary Ecological Appraisal

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) 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.

- 6 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.

- 7 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.

- 8 Prior to occupation of the development, parking spaces and the access to the car parking spaces from public highway shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic 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) 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.

- 10 Prior to occupation of the development the details the specification, location,

including height, orientation, of the recommended ecological enhancement features including 2 x Schwegler Bat Boxes (onto the newly constructed dwelling), 1 x 1B Schwegler Nest Box (to be installed on mature trees), and 2 x Woodstone Insect Blocks, and 1 x Hedgehog House shall be submitted and approved by the local planning authority.

All approved biodiversity enhancement features shall be installed on site in accordance with the recommendations of the approved Preliminary Ecological Appraisal (PEA) (August 2023, ASW Ecology Ltd).

Reason: To enhance the biodiversity value of the site beyond its current baseline. 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

- 11 Prior to the occupancy of works details of a Low Impact Lighting shall be submitted and approved by the local planning authority. Any artificial lighting scheme designed for development including off street lighting, shall be in accordance with Bats Conservation Trust Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016), and the relevant statutory wildlife protection legislation.

- 12 No removal of trees, shrubs or vegetation, or demolition of the garage shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: Pursuant to Section 9 of the Wildlife and Countryside Act 1981 (as amended), and 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.

- 13 Prior to occupation details of the location of at least 3 x hedgehog highways (13cm x 13cm gaps) at the base of the boundary fencing are to be submitted and approved by the local planning authority. The approved hedgehog links must be installed in the base of the boundary fencing to ensure continued access for commuting hedgehogs through the garden.

Reason: To ensure the continued habitat connectivity for hedgehogs, common toads and wildlife in general through residential gardens. Pursuant to section 197 of the Town and Country Planning Act 1990 in accordance

with local planning policy DM01 & DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G5, G6 & G7 of the London Plan.

- 14 Before the building hereby permitted is first occupied the proposed window(s) in the flank elevation facing no. 1 Westcombe Drive, 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).

- 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A to E of Part One 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).

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

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

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 18 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), Policy SI 2 of the London Plan 2021.

- 19 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).

**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](http://www.planningportal.gov.uk/cil).

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

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

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

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

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

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

- 2 Damage to public highway 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](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto: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.

- 3 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 4 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 metres. 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.

- 5 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.
- 6 The applicant is advised that if the development is carried out, only low-level planting or landscaping (Below 0.6m in height) shall be provided at the entrance to the development to ensure that the visibility splays on either side of the access for the vehicles emerging from the development are kept clear of any obstruction which is likely to have a detrimental impact on highway and pedestrian safety.
- 7 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licences please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licences or email [highwayscorrespondence@barnet.gov.uk](mailto:highwayscorrespondence@barnet.gov.uk).
- 8 The applicant is advised that High Road (the whole length) is Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Crossover Team in Development and Regulatory Services should be consulted in this respect.
- 9 Refuse collection points should be located within 10 metres of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 10 Tree and shrub species selected for landscaping/replacement planting shall provide long term resilience to pest, diseases and climate change. A 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 Biosecurity, 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 that can be found here:  
<https://planthealthy.org.uk/certification>

- 11 During construction, any excavations including holes, pipes and boreholes that need to be left overnight should be covered over or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work-day to prevent animals entering/becoming trapped. Vegetation clearance should be undertaken in a sensitive manner to allow terrestrial mammals to disperse. Any trapped mammals found during the process should be carefully moved to the retained boundary habitats at the end site or adjacent habitats off site.
- 12 The removal of the invasive non-native species (e.g. cotoneaster) should be undertaken by a trustworthy third-party invasive plant removal specialist who belong to a trade body such as the Property Care Association (PCA) Property Care Association or the Invasive Non-Native Specialist Association View Our Members - INNSA. An invasive species removal specialist would be responsible for the secure removal/treatment, transposition and disposing of

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site is located on the north side of Westcombe Drive. The site is occupied by a two storey semi-detached dwelling. The site is located on a prominent corner plot. The road is characterised by semi-detached and terraced dwellings of traditional design. All neighbouring properties have plot sizes and rear gardens of similar width and depth. There are 3 pairs of semi-detached dwelling at the rear along Lion Yard which are of contemporary design.

The property is not listed, nor does it lie in a Conservation Area, and there are no other known restrictions on the site.

### **2. Relevant Planning History**

Reference: 23/0669/FUL

Decision: Refuse

Decision Date: 13.04.2023

Description: Erection of 2no. two storey semi-detached houses with room in the loft space. Associated amenity space, refuse/recycling storage, cycle parking and off-street parking

Reason:

The proposed semi-detached dwellinghouses by reason of their excessive height, scale, unsympathetic roof form and siting within close proximity to neighbouring boundaries and its prominent corner position, would constitute an incongruous, discordant and cramped form of development that would fail to relate satisfactorily to the immediate context of the site and disrupt the established character and appearance of the street scene, appearing overly dominant, and visually obtrusive, contrary to Policy D3 of the London Plan (2021), Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (Adopted September 2012), Policy DM01 of the Barnet Local Plan Development Management Policies DPD (2012) and the Residential Design Guidance (2016).

Reference: 22/1401/FUL

Decision: Refuse

Decision Date: 11.05.2022

Description: Erection of 2no. pair of three storey semi-detached houses. Associated amenity space, refuse/recycling storage, cycle parking and off-street parking.

Reasons:

The proposed pair of two, three-storey semi-detached dwellinghouses by reason of their size, scale, massing, height, unsympathetic design and siting, within close proximity to neighbouring boundaries would constitute an incongruous, discordant and cramped form of development that would fail to relate satisfactorily to the immediate context of the site and disrupt the established character and appearance of the street scene, appearing overly dominant, and visually obtrusive, contrary to Policy D3 of the London Plan (2021), Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (Adopted September 2012), Policy DM01 of the Barnet Local Plan Development Management Policies DPD (2012) and the Residential Design Guidance (2016).

The proposed development, fails to provide adequate outdoor amenity space for the future occupiers of these units which would result in a sub-standard level of accommodation, detrimental to the residential amenities of the future occupiers of these units contrary to London Plan, Policies DM01 and DM02 of the LB Barnet: Development Management Policies DPD (2012), the Sustainable Design and Construction SPD (2016) and the Residential Design Guidance SPD (2016).

Reference: 21/6155/192

Decision: Lawful

Decision Date: 16.12.2021

Description: Roof extension involving rear dormer window

Reference: 21/6158/192

Decision: Unlawful

Decision Date: 20.12.2021

Description: First floor rear extension

Reference: 22/0111/HSE

Decision: Approved subject to conditions

Decision Date: 11.02.2022

Description: First floor rear extension

### **3. Proposal**

The application seeks planning permission for erection of a two-storey detached dwelling. Associated new vehicular access, parking, refuse and recycling and amenity space

The proposal would be sited on the side of no. 1 Westcombe Drive.

### **4. Public Consultation**

Consultation letters were sent to 31 neighbouring properties. 8 letters of objections and 2 supports from the members of the public have been received and could be summarised as follow:

Objections:

- The proposal would be site on the side garden of 1 Westcombe Drive
- The proposed buildings are next to a very busy junction. It's a blind corner for cars and it's dangerous at the moment for children crossing from Westcombe drive onto Fairfield way & this will only make things worse.
- Don't keep with the character of other houses.
- The erosion of the spaciousness around corner properties should not be disregarded as it will cause accidents and vandalises pedestrian access
- Overshadowing for neighbour at 1 Westcombe Drive and at rear at Lion Yard
- Overdevelopment
- Impact on road safety
- Impact on trees and habitat
- Provision of safe crossing for children of Ark Pioneer Academy.

Supports:

- Will help in solving housing crisis
- The erection of a house in this location will not cause any obstruction of views or prevent parking on the road. - No valid grounds for objecting to this application. As a "brownfield site", already part of the urban area, this is exactly the type of site that should be utilised to meet residential land requirements. It is appropriate for new residential development in order to help minimise the pressures of residential development in the countryside around Barnet.
- In terms of detailed design the proposed dwelling appears to be in keeping with the built form of the surrounding area and has room for off-street parking such that there should not be any further generation of on-street parking as a result. Indeed many existing houses in the vicinity do not have off-street parking at all.

### **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 updated on 20 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. 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. 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.

Relevant London Plan Policy: D1, D3, D4, D6, D7, H1, H2, 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.
- Relevant Development Management Policies: DM01, DM02, 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.

Policy DM08 states that development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough. Homes with 4-bedroom are the highest priority and homes with 3-bedroom are a medium priority.

### Barnet's Draft 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 street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposals would provide suitable living conditions for future occupiers of the proposed dwelling;
- Highways and parking impacts;
- Impact on Trees
- Impact on Ecology

## **5.3 Assessment of proposals**

The proposal has been amended after previous refusal. One dwelling is proposed instead of a semi-detached pair. The height, scale and bulk has been reduced. Set back from neighbouring property has been increased. Sympathetic design has been incorporated.

### Whether harm would be caused to the character and appearance of the street scene and the wider locality

Impact on character and street scene:

Development proposals are required to reflect the character of their street and the scale and proportion of surrounding houses. This is supported by Policy DM01 of Council's Development Management Policies which states that development should understand local characteristics and 'preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

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."

Policy H1 of London Plan 2021, recommends to optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions. These includes sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m distance of a station or town centre boundary.

Policy D3- Optimise Site Capacity, of London Plan 2021 recommends incremental increase in density. Policy H2 of London Plan supports incremental intensification of existing residential are within PTAL 3 to 6 or areas within 800m of station or town centre by new built, infill, conversion and redevelopment.

Policy CS4 provides policy on quality homes and housing choice in Barnet and states that,

"seeking a range of dwelling sizes and types of housing including family and lifetime homes that meets our identified housing priorities and does not undermine suburban character or local distinctiveness."

DM08 states that, "Development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough."

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 existing dwelling on site is a two storey semi-detached dwellinghouse. There are terraced dwelling on the west side of the road. The prevailing character of the road is traditional semi-detached detached dwellings on plots of similar width and depth.

The proposal would sit next to traditional semi-detached dwelling of no. 1 Westcombe Drive and would be sited 2m from the flank wall. It would maintain sufficient gap from that



property. The front building line would be aligned with the front building line of no. 1 Westcombe Drive. It would maintain 1.8m gap from the side boundary at front and 1.5m gap at the rear. Front garden would be 6.5m deep similar to no. 1 Westcombe Drive. It would retain a 11.5m deep rear garden similar to neighbouring no. 1 Westcombe Drive.

The proposed two storey building would be 8.4 m deep and 7.4m wide at first floor level. The first floor will only project 0.7m at the rear of no. 1 Westcombe Drive. The single storey rear element would be 2 m deep and would align with the 3m deep single storey rear extension of no. 1 Westcombe Drive. The eaves at 4.9m would be lower than eaves of no. 1 Westcombe Drive. The ridge at 8m would be similar to the ridge of no. 1 Westcombe Drive. The design would be traditional with two storey front projection, hipped roof, front porch and single storey rear projection with hipped roof.

It is considered that the proposed dwelling would sit comfortably beside no. 1 Westcombe Drive and would be of sympathetic design, proportion, massing and details as other dwellings along the road and would respect the character of the street scene and the neighbouring area.

The proposed dwelling would provide three bed dwelling in the underutilised land and would contribute towards increase in family homes in Barnet and would comply with Policies.

The loss of this part of the side garden would still provide sufficient amenity space and parking provision for the occupants of no.1 Westcombe Drive. As such the principle of development is considered acceptable, but consideration must be taken for the amenity impacts to ensure it meets the requirement of the aforementioned policies.

In order to ensure that the proposal continues to have an acceptable impact on the character of the surrounding area, the LPA will ensure a condition is attached removing permitted development rights Class A - E of Part 1, Schedule 2 of the General Permitted Development Order.

### 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."

Paragraph 7.3 of the SPD Residential Design Guide advises that there should be 21 metres distance between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

The ground floor rear elevation containing habitable room windows would be sited about 11.5m from the rear boundary with rear gardens of no's 5 to 6 Lion Yard. This distance is considered sufficient to overcome any overlooking or privacy issue and considered not to have any detrimental impact on the amenities of those properties at the rear. Because of

the separation distance the proposal is not considered to cause any over shadowing for those properties at rear.

The flank wall of the proposal would be sited 2m from the flank wall of no.1 Westcombe Drive. The proposed building would project 0.7 m from the two storey rear building line of no.1 Westcombe Drive. The proposed rear building line would align the single storey rear wall of the extension at no.1 Westcombe Drive. In these circumstances, the proposal is not considered to have any significant overshadowing, overbearing impact or impact on privacy for that property.

It is noted that the proposed flank elevation facing no. 1 Westcombe Drive features windows serving stair. A condition would be attached requiring this to be obscured glazed, to prevent any overlooking for the neighbouring property.

#### Impact on the amenities of future occupiers

Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings and outdoor amenity space.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new residential accommodation. The council also has adopted SPD's (entitled Sustainable Design and Construction and Residential Design Guidance) providing more detailed guidance on a range of matters related to creating new residential accommodation in addition to the Mayor's adopted SPG's (entitled Housing).

The proposal would provide one 3-bedroom 4 person detached dwellinghouse with a GIA of 115 sqm which would exceed the minimum internal space standard for a dwelling of this type (required 84 sqm) and therefore acceptable.

Double bed would measure 12.5 sqm and would meet the standard. Single beds would meet the minimum area of 7.5 sqm. Sufficient storage space has been provided.

Barnet's Sustainable Design and Construction SPD which requires glazing to all habitable rooms should not be less than 20% of the internal floor area of the room and that they should have reasonable outlook with clear glazed windows. The proposed dwelling would be dual aspect and all the rooms would receive adequate daylight.

#### Floor to Ceiling Height:

To address the unique heat island effect of London, a minimum ceiling height of 2.5m for at least 75% of the gross internal area is required so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space. The proposed dwelling would meet the requirement.

#### Amenity Space:

SPD requires 55 sqm outdoor amenity space for dwelling with five habitable rooms.

The proposed rear garden would measure 98 sqm and would meet the minimum standard.

It is considered that the proposal would provide suitable accommodation for the future

occupiers.

### Highways and parking impact

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.

Policy DM17 states that, "The council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be: 2 to 1.5 spaces per unit for detached and semi-detached houses and flats (4 or more bedrooms)."

London Plan 2021 states that, "New residential development should not exceed the maximum parking standards set out in Table 10.3."

London Plan 2021 Table 10.3 provides maximum parking standard for residential parking. For outer London area with PTAL 4 and for houses with 3 or more beds the maximum parking requirement is 0.5 to 0.75.

Council's highway officers were consulted on the proposal. The officer's comments are below:

The site lies within a PTAL 4 zone (good transport accessibility), which means that there is average public transport accessibility to and from the site. In line with requirements set out on Policy DM17 of the Barnet Local Plan, the required off-street car parking provision for this proposal is 1 parking space off-street. The applicant is proposing to provide 2no. off-street parking spaces which is considered acceptable.

The applicant is proposing a new crossover. The applicant will require to submit a separate application to the Local Highway Authority. Please note that the Council's 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 new Policy also requires that the location of a boundary wall, fence or hedge needs to be within 0.6 metres of the edge of the crossing to prevent vehicles that are entering their frontage overriding the adjacent footway. An informative is attached to address this.

The proposed development will need to provide 2no. long-stay cycle parking spaces in accordance with the London Plan Cycle Parking Standards. The cycle parking spaces will need to be secured within a storage facility to be located in a safe, well-lit and overlooked area. The design details of cycle parking spaces and storage facilities need to comply with the London Cycling Design Standards (LCDS). A condition is attached to address this.

The proposed location of the bin store is within 10 metres from public highway with clear and levelled pedestrian access to be provided for the refuse crews on collection days which satisfies the highway requirements.

The proposal is considered not to have any detrimental impact on Highways subject to attached conditions.

## Impact on 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.

Councils Arboriculturist was consulted on the proposal. The officers comments are as below:

There is a belt of vegetation incl small trees including cherry, cypress, acer and/or liquidambar along the rear site boundary

-These trees are to be retained under the proposal

- These trees would not be appropriate for inclusion within a new TPO by virtue of their limited size and meaningful public amenity

New native hedging is proposed to the front, along with 2 new silver birch trees to the rear

-This aspect will help bring the proposal in line with Barnets Local Plan (Development Management Policies) - Policy DM01: Protecting Barnets character and amenity.

The officer has no objection to the proposal.

## Impact on 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."

Council's Ecologist was consulted on the proposal. the officers comments are as below:

## Ecology

- No objections to findings and recommendations of the submitted Preliminary Ecological Appraisal (PEA)(August 2023, ASW Ecology Ltd) or Preliminary Bat Roost Assessment (August 2023, ASW Ecology Ltd) as no suitable habitat for protected or notable species other than nesting birds. No further ecological surveys will be required in support of the application.
- No impact is expected to occur to the Northern Line Embankment, High Barnet Local Site of Importance for Nature Conservation (SINC), which is located close to the application site.
- Any vegetation clearance and demolition of the existing garage will need to be undertaken outside the nesting bird season (March to August inclusive) or following the completion of nesting bird check by a suitably qualified ecologist (SQE).
- The confirmed presence of cherry laurel within the rear of the garden should be removed to be replaced with species of greater biodiversity value.
- Any excavations, trenches or bore holes will need to be covered over or provided with a ramp to avoid the risk of hedgehogs and other wild mammals becoming trapped.
- The biodiversity enhancement measures outlined within the respective reports (e.g. purpose built bat roost and bird nest boxes) will need to be secured by way of planning condition.

## Biodiversity Net Gain

- Not applicable given the scale and extent of the proposed development.

## Soft landscaping

- No specific soft landscaping details have been submitted in support of the application.
- Additional proposed tree and shrub planting should incorporate native species rich plantings and consist of native berry producing shrub species such as hawthorn, blackthorn, spindle, field maple, hazel, and hornbeam. The LPA welcomes the best practice approach would be to apply a 10:20:30 formula to develop a diverse tree/hedge population - no more than 10% of any species, 20% of any genus or 30% of any family.
- The LPA is recommended that the proposed rear garden should incorporate species rich seed mix or turf. This mix should consist of a ratio of 70/30 native grass to flowering plants as such flowering plant species and grasses provide high value to pollinating insects including bees, butterflies. An example of a potential species rich meadow seeding mix includes Boston Seed Dual Purposed Wildflower Meadow Seed Mix BSXM 70/30 and for the amenity lawn Emorsate Seed Strong Lawn Grass Mixture.
- Night scented plants should also be included into a detailed planting schedule where feasible. An extensive list of suitable plant species can be found on the RHS advice page. conditions are attached to address these.

The officer has no objection subject to attached conditions.

## 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 these Policies.

In respect of carbon dioxide emission reduction, the proposed scheme has to designed to achieve 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 meter, 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).

#### **5.4 Response to Public Consultation**

Addressed in the report.

#### **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 addressed the previous reasons for refusal.

The application is recommended for APPROVAL.

