

**Location** Land Adj To 25 Manor Road Barnet EN5 2LE

**Reference:** 24/0680/FUL Received: 20th February 2024  
Accepted: 21st February 2024

Ward: Underhill Expiry 17th April 2024

**Case Officer:** Mansoor Cohen

Applicant: Noah's Ark Children's Hospice

Proposal: Demolition of existing buildings and the erection of a two-storey single dwellinghouse with associated parking, landscaping and refuse storage (amended plans and description)

### **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:

21245-LSI-AAA-XX-DR-A-1170 Rev P05  
21245-LSI-AAA-XX-DR-A-1171 Rev P06  
21245-LSI-AAA-ZZ-DR-A-1340 Rev P05  
21245-LSI-AAA-ZZ-DR-A-1350 Rev P08  
21245-LSI-AAA-ZZ-DR-A-1351 Rev P10  
21245-LSI-AAA-ZZ-DR-A-1370 Rev P09  
21245-LSI-AAA-XX-DR-A-1300 Rev P14  
Flood Risk Assessment and Drainage Strategy, dated January 2024  
Daylight and Sunlight Assessment, dated January 2024

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 Policies D1 and D4 of the London Plan 2021.

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

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

with the development.

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 D14, SI 1 and T7 of the London Plan (2021).

5 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.

6 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition 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 G7 of the London Plan 2021.

- 7
- 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).

- 8
- a) Before the development hereby permitted is first occupied details of cycle storage facilities and siting 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 set out in Policy T5 and Table 10.2 of The London Plan (2021) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 9
- 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) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 10 Prior to occupation of the development, at least 1no parking space and corresponding means of access 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.

- 11 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.

- 12 The roof of the ground floor 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).

- 13 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 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. 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) and Policy SI 5 of the London Plan 2021

- 14 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse (Use Class C3) permitted under this consent it 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 D6 and D7 of the London Plan 2021.

- 15 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement in carbon dioxide emissions of a minimum of 10% when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies SI 2 of the London Plan 2021.

- 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,B,C and D of Part 1 of Schedule 2 of that Order shall be carried out within the curtilage of the new dwelling hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, 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 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing no.25 Manor 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).

- 18 Prior to installation, details of the boilers shall be forwarded to the Local Planning Authority for approval. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%), and shall be installed in full accordance with the details approved.

Reason: To reduce and limit NOx emissions to improve air quality and reduce greenhouse gases in accordance with Policies GG3, SI1 and SI2 of the Mayor's London Plan 2021.

- 19 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reason: In the interest of good air quality in accordance with Policy DM04 of the Barnet Local Plan Development Management Policies (2012) and Policy SI1 of the London Plan 2021.

- 20 The property shall be used as a single family dwellinghouse as shown in the hereby approved drawings under Class C3(a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, 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.

## Informative(s):

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

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

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

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

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

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to



CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

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

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

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

Further details and the application form can be downloaded from:

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

- 4 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via [crossovers@barnet.gov.uk](mailto:crossovers@barnet.gov.uk).
- 5 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.

- 6 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.

- 7 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.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The site relates to a strip of land adjacent to 25 Manor Road, which consists of a detached garage formerly in connection with no.25.

No.25 is a semi-detached property typical of the suburban housing in Barnet. To the immediate north lies nos.26 and 27 Manor Road which are a pair of two storey arts and crafts inspired dwellings and designated as locally listed buildings. The predominant typology along this section of the road is of detached and semi-detached dwellings, with the wider area consisting of purpose built flatted development. There is some variance in the design and form of properties along this section.

The road inclines in a south-north direction, meaning no.26 sits at higher ground level than no.25.

The site does not lie within a Conservation Area, nor does it include or sit adjacent to any statutory listed buildings, however nos 26 and 27 are locally listed buildings.

The site is within Flood Zone 1 which means it is at low risk of flooding.

### **2. Site History**

Reference: 22/2760/192

Address: 25 Manor Road, Barnet, EN5 2LE

Decision: Lawful

Decision Date: 13 July 2022

Description: Roof extension involving hip to gable, rear dormer window

Reference: 22/2805/PNH

Address: 25 Manor Road, Barnet, EN5 2LE

Decision: Prior Approval Not Required

Decision Date: 4 July 2022

Description: Proposed rear extension measuring 4 m in depth, 2.95m in height and eaves height of 2.80 m.

Reference: 23/1702/FUL

Address: 25 Manor Road, Barnet, EN5 2LE

Decision: Refused

Decision Date: 4 July 2023

Description: Demolition of existing buildings and erection of a two storey building, plus accommodation at roof level, to provide 5no. self-contained residential units with associated parking, landscaping, amenity space, refuse and cycle storage

Reason 1: The proposed development to provide five self contained flats would introduce a use that is incongruous to the established character of this section of Manor Road which is characterised solely by single family dwelling houses and amounts to an over-intensive use of the site to the detriment of the character and appearance of the locality. The proposal also fails to provide a suitable mix of housing, in particular a lack of priority family housing for which there is a known demand. The proposed development would therefore be contrary

to Policies CS NPPF, CS1 and CS5 of the Barnet's Adopted Core Strategy (2012), Policy DM01 and DM08 of the Adopted Development Management Policies DPD (2012); the Adopted Residential Design Guidance SPD (2016).

Reason 2: The proposed development, by reason of its excessive footprint, depth, size, bulk, massing, siting and design including sizeable front and rear dormer windows, would be a disproportionate, overly dominant and incongruous form of development that would fail to respect the spatial pattern of development and amount to an overdevelopment of the site detrimental to the character and appearance of the host site, neighbouring properties, streetscene and locality, contrary to Policy D3 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet Local Plan (Core Strategy) DPD (2012), Policy DM01 of the LB Barnet Local Plan (Development Management Policies) DPD (2012) and the Residential Design Guidance SPD (2016).

Reason 3: The proposed development to provide five flats of up to ten occupants would create an over-intensive use of the site which would harmfully increase noise, disturbance and disruption to neighbouring residents through comings and goings and associated general activity, resulting in an adverse effect on residential amenity. In addition, the rooftop terrace would result in undue perceived overlooking detrimental to the amenities of neighbouring occupiers. The proposal is therefore contrary to policy CS5 of the Local Plan Core Strategy (Adopted September 2012), Policy DM01 of the Local Plan Development Management Policies DPD (2012), Residential Design Guide SPD (Adopted October 2016) and Sustainable Design and Construction SPD (2016).

Reason 4: The proposed development would fail to provide an adequate quality of accommodation in terms of minimum internal space standard for flat 5, inadequate floor to ceiling heights and in-built storage for flats 1-4, lack of outdoor amenity space for flats 2-5, inappropriate stacking between all units, poor outlook and daylight in particular for flat 2, which both individually and cumulatively results in a considerable sub-standard and poor quality of accommodation for future occupiers, contrary to policy D6 of the London Plan (2021), CS5 of the Barnet's Local Plan (Core Strategy) DPD (September 2012), Policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD (September 2012), Adopted Residential Design Guidance SPD (2016) and the Sustainable Design and Construction SPD (2016).

### **3. Proposal**

The application proposes the demolition of existing buildings and the erection of a two-storey single family dwellinghouse with associated parking, landscaping and refuse storage.

Amended plans were received during the course of the application and are the subject of this assessment.

The new building would have a ground floor depth of between 11m to 13.2m (not including the front bay projection) due to the staggered rear elevation and a depth of 11m at first floor level. The building would be sited 2m away from the side elevation of no.25 and 0.8m away from the common boundary with no.26. The eaves height would measure 5.5m and the overall height to the ridge of its hipped roof would measure 9.3m.

The proposal would provide a 3 bedroom dwellinghouse. 1no. parking space would be provided within the front forecourt along with refuse storage.

### **4. Public Consultation**

A site notice was posted 29 February 2024.

Consultation letters were sent to 41 neighbouring properties. Following receipt of amended plans re-consultation was undertaken. A total of 25 letters of objection were received. The comments are summarised as follows:

- Out of keeping with appearances in this section of the road
- Gable ends and other design aspects out of character
- excessive depth and mass
- Overdevelopment for a small site
- Concerns of lack of parking and on street congestion
- Parking survey has only considered overnight parking levels and not the day
- Concerns of reduced access to emergency vehicles
- Opposition to the demolition of houses and building of flats
- Layout and design suggests suitability for an HMO
- Sketch drawings are inadequate for planning purposes
- Concerns of overlooking and loss of privacy
- Concerns of construction work noise and disturbance
- Concerns of potential drainage issues
- overshadowing and loss of light/sunlight to neighbouring amenities
- Pressure on local services
- Ceiling heights below London Plan standards.
- Concerns over loss of trees
- Concerns of utilising permitted development following approval

#### **4.1 Internal Consultees**

Highways - No objection

Trees - No objection subject to conditions

Environmental Health - No objections subject to conditions.

Heritage – No objection

### **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 19 December 2023. 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.

### 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, CS5.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, 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 New Local Plan (Reg 24)

Barnet's Draft Local Plan - Reg 24: The Reg 22 version of the draft new Local Plan was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan underwent an Examination in Public (Reg 24). The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites.

In order to address issues of legal compliance and deficiencies in soundness the Council has produced Main Modifications to the Local Plan. These Main Modifications were approved by Cabinet on March 12th and will now be subject to a period of formal public consultation commencing in May 2024. Whilst the Council moves forward to formal adoption of the Local Plan (subject to the outcome of the public consultation and the Inspectors Report) the Main Modifications shall be considered, in the interim, a relevant material consideration in the Council's decision making on planning applications.

### 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:

- Principle of development;
- Impact on character and appearance;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the living conditions of future occupiers;
- Whether harm would be caused to highways and parking;
- Whether harm would be caused to trees;

## 5.3 Assessment of proposals

### Principle of development

The Borough has an attractive and high-quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

Policy DM01 of Barnet's adopted Local Plan (Development Management Policies) 2012 states that development proposals should be based on an understanding of local characteristics in order to ensure that local character is preserved. It further advocates that the conversion of dwellings into flats in roads characterised by houses will not normally be appropriate.

The proposed scheme would result in the creation of a detached single family dwellinghouse following the demolition of the existing garage used in connection with no.25. There is no in-principle objection to the demolition of the garage and subdivision of the plot to create a detached dwelling as this would be consistent with the spatial pattern of development and typology of housing along this stretch of Manor Road. Moreover, the proposal would provide a net gain of one three bedroom dwelling to which local and emerging policies deem as a medium to highest priority housing.

The principle of the development is therefore acceptable subject to a suite of further considerations as detailed in the sections below.

### Impact on the character and appearance of the area

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

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

Policy D3 of the London Plan 2021 sets out policies in regard of optimising site capacity through the design-led approach.

Following the demolition of the existing garage and ancillary storage sheds, the proposed new dwelling would be sited slightly recessed from the principal elevation of no.25, the siting is considered appropriate given that No.26s adjacent wall sits further recessed and therefore provides an appropriate transition between no.25 and no.26. Furthermore, sufficient spacing around the new build is afforded to either side boundary providing visual relief and separation between the neighbouring buildings.

In respect of the footprint of the new dwelling, the ground floor element would project between 2m and 3.9m beyond the rear elevations of nos.25 and 26. This depth would be consistent with the principles of good design stipulated in the Councils Residential Design Guidance SPD, which notes 4m deep extensions are usually appropriate for detached dwellings. It is also further highlighted that no.25 benefits from a prior approval for a 4m deep single storey rear extension across its full width.

At first floor level the extent equates to a 2m projection beyond the neighbouring properties either side. To this end, this element would broadly accord with guidance which states first floor rear extensions more than 3m in depth and closer than 2m to neighbouring boundary would not normally be acceptable.

It is noteworthy to point out that the footprint as proposed is considerably reduced in size from the previously refused scheme.

In respect of its design and scale, the hipped roof form and front projecting bay would be reflective of no.25 and therefore deemed appropriate. Moreover, the eaves and ridge height which moderately exceeds the respective height of no.25 would follow the rhythm and incline of the street moving from no.25 to no.26.

Policy DM06 requires all heritage assets to be protected in line with their significance. Nos 26 and 27 are two storey Art's and Craft's inspired housing which are locally listed for their architectural interest. The proposed new build would not impact the intactness of these heritage assets and are sufficiently distanced so as to not harm their significance. The Councils heritage officer raises no objection on these grounds.

Consequently, it is considered that the size, scale, mass, bulk and design of the new build would accord with the spatial pattern of development and would acceptably integrate into the streetscape.

#### Impact on the amenities of neighbours

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states in point e: "Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users."

#### No.25 Manor Road:

The proposed adjacent flank wall of the proposal would extend approximately 2m at two storey level beyond the rear elevation of no.25 (as existing) at a separation distance of 2m flank to flank, this is considered to be an acceptable relationship and would not result in a significant adverse impact to this neighbour particularly having regard to the prior approval 4m extension which could be built out at no.25.



The flank window at first floor level would not pose concerns of overlooking given that this would serve an ensuite bathroom and therefore not a habitable space. In any event, a condition can be imposed requiring obscure glazing for certainty.

No.26 Manor Road:

No.26 features an outdoor terrace area and beyond which a single storey outbuilding which runs along the common boundary. As such, the property is distanced some 3m from the boundary with an additional 0.9m distance from the flank of the proposed new dwelling. Given the separation distance it is not considered that the proposal would read as unduly overbearing nor impact outlook from the neighbouring dwelling.

It should be noted that the submitted daylight/sunlight report has been based on the initially submitted scheme, the amendments secured during the course of the application represent a reduction in footprint, size, scale and massing, and therefore any sustained impact would likely reduce, nevertheless, the report can be utilised as a good indication of the potential impact.

As per the previous submission, it is acknowledged that due to the proximity and two storey element of the proposal the neighbouring side terrace area would experience overshadowing, however, this area does not form the sole or main amenity space of this neighbour and the submitted sunlight/daylight report notes that the main rear amenity space would be compliant with BRE standards which requires at least 50% of the amenity area to have two or more hours of direct sunlight on the 21st March. The results demonstrate 86% would meet this criteria and therefore greatly in excess of the requirements.

Also as previously, the report acknowledges that the two side facing windows (W5 and W6) of no.26 serving a kitchen would be adversely impacted by sunlight/daylight intake contrary to BRE guidelines, however, the kitchen is also served by two front facing windows and one rear facing window which are the primary windows serving the room and concludes that the weighted average to the room would be compliant with BRE guidelines.

Similarly whilst outlook would be reduced to these two side facing windows, given the room is triple aspect with the primary windows facing the highway, an acceptable level of outlook would still be afforded to this room. Furthermore, the terrace area and outbuilding provides a separation distance of some 3.5m to the rear elevation of no.26 which would ensure outlook would be retained to this elevation and that the building as viewed from here would not appear visually intrusive or overbearing.

Ample separation distances to other neighbouring properties, including those which back onto the site along Cedar Lawn Avenue, would ensure the new build would not result in an adverse impact to these neighbours.

In conclusion, the proposal would have an acceptable impact on neighbouring amenity.

#### Impact on the amenities of future occupiers

Policy DM02 of Barnet's Development Management Policies Document DPD (2012) states that where appropriate, development will be expected to demonstrate compliance with national and London wide standards supported by the guidance set out in the council's suite of Supplementary Planning Documents.

Policy D6 of the London Plan sets out Housing quality and standards.

The proposal would provide a three bedroom 5 person dwelling across two floors. Policy D6 requires a minimum space standard of 93sqm, the proposal provides 120sqm and therefore in excess of the requirements.

The London Plan requires a single bedroom must have a floor area of at least 7.5sqm and be at least 2.15m wide and a double bedroom must have a floor area of at least 11.5sqm and 2.75m wide.

All bedrooms meet the relating standard.

Built in storage:

The dwelling would provide at least 2.5sqm of built in storage space which is in accordance with Table 3.1 of The London Plan (2021).

Outlook/Light:

Policy D6 of the London Plan states 'Housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings.'

The property would be dual aspect and provide sufficient light and outlook to all habitable rooms.

Floor to ceiling height:

In accordance with Policy D6 of the London Plan, proposals must provide at least 2.5m floor to ceiling height across 75% of the respective unit.

The submitted section drawing demonstrates that the proposal would meet/exceed this requirement.

Amenity Space:

Barnet's Local Plan expects that sufficient and functional outdoor space should be provided for all new homes and flats wherever possible. Barnet's Sustainable Design and Construction SPD advises that for houses with six habitable rooms as per the proposal, 70sqm of outdoor amenity space is required.

The proposal provides a sizeable rear garden which would be well in excess of the requirements.

Overall, the proposal would provide a good standard of living accommodation for future occupants.

### Highways and parking

The site fronts directly onto Manor Road. It is not in a CPZ but there are waiting restrictions in the form of a single yellow line on one side of the road. The site has a public transport accessibility level (PTAL) rating of 2 (low) on a scale of 1-6 where 1=poor and 6=excellent accessibility. However, 4 bus routes (307, 107, 263, 184) can be accessed from stops within 7 minutes walking distance from the site.

In accordance with Table 10.3 of the London Plan, the proposal would require a maximum parking provision of one space. The submitted scheme provides one parking space within the front forecourt and is therefore in compliance with the standard.

The demolition of the garage also results in the loss of a parking space for no.25, unlike the previous scheme, the re-provision of an off-street parking space does not appear to form part of the proposal (albeit would appear could take place without the need for planning permission), nevertheless the previous scheme was supported with a parking survey which showed a parking stress of 66% equating to 29 available spaces. As such, any potential overspill could be adequately accommodated on street without giving rise to unacceptable increased parking pressure. Highways raise no objection to the proposal.

#### Cycle Parking:

In accordance with London Plan standards two cycle parking spaces would be required. No details of cycle parking spaces have been provided, however there is ample space on site for this to be accommodated, details of which can be secured by way of a condition.

#### Refuse/Recycling:

Refuse storage arrangements is proposed within the front forecourt which is acceptable. Further details of the refuse storage, including elevations of the refuse store can be secured through a condition.

#### Impact on trees

The councils tree officer has stated:

"The proposal is broadly comparable in scope to that of 23/1702/FUL which was refused in June 2023.

There is an ash tree situated on neighbouring land in close proximity to the proposed structure, along with an oak tree along the rear boundary which has been subject to heavy historic pruning and which exhibits veteran qualities.

Arboricultural impacts remain broadly unchanged however the new proposal appears to be of a smaller footprint when compared with the previous refusal

- o This would reduce pressure to trees in the vicinity during development and would reduce post-development pressure to some extent, provided downward level changes are not proposed
- o Risk to trees should be managed via an arboricultural impact assessment, method statement and tree protection plan in the event of approval

The proposed garden areas would afford ample room for the inclusion of new tree and shrub planting in line with local policy. Further detail on this aspect is recommended in the event of approval. The tree officer concludes with no objection to the scheme.

In the event of an approval the requisite conditions will be applied.

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

Mainly addressed in the report.

Other comments as follows:

-Potential drainage concerns;

This has been adequately addressed in the submitted flood risk assessment.

-Concerns of noise and disturbance from construction work.

In the event of an approval, mitigation measures through a condition could be imposed to control this aspect.

-Concerns of reduced access to emergency vehicles  
Proposal would not impede access to emergency vehicles

-Opposition to the demolition of houses and building of flats  
The proposal does not involve the demolition of a house nor the construction of a flat

-Layout and design suggests suitability for an HMO  
The proposal is for a single family dwelling, the application has therefore been assessed on this basis.

-Sketch drawings are inadequate for planning purposes  
The plans are to scale and sufficient for planning purposes

-Pressure on local services  
The addition of one dwelling would not give rise to significant pressure on local infrastructure

-Ceiling heights below London Plan standards.  
The proposal complies with the London Plan standards.

-Concerns of utilising permitted development following approval  
A condition will be imposed restricting permitted development rights for this property.

## **6. Equality and Diversity Issues**

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

## **7. Conclusion**

Having taken all material considerations into account, it is considered that the proposed development would have an acceptable impact on the character of the site, street scene and the locality. The proposal would not adversely impact the residential amenities of neighbouring occupiers and would provide an acceptable level of living accommodation for future occupiers. The application is therefore recommended for approval.

