

APCAR SMITH PLANNING

Chartered Town Planning Consultants

PLANNING STATEMENT

10 GROVE AVENUE
LONDON
N3 1QP

March 2023
Our Ref: CA/3308

Kinetic House, Theobald Street,
Borehamwood, Hertfordshire WD6 4PL



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1.00 INTRODUCTION

1.01 This Statement accompanies a planning application by Mr C Neophitou, freehold owner of 10 Grove Avenue and its demise and leasehold owner of Flat 1. Flat 1 is the ground floor flat which includes a large private rear garden. The proposals involve the demolition of a detached outbuilding within the rear garden accessed from Falkland Avenue and its replacement with a two storey (ground and basement level) one bedroom/two person dwelling.

1.02 The application is submitted on the basis of the following plans:

Site Location Plan – Drwg No SLP-100

Existing and Proposed Site Plans – Drwg No PL-02-50

Proposed GA Plans – Drwg No PL-02-100

Existing and Proposed Elevation A (Elevation fronting Falkland Avenue) - Drwg No PL-02-150

Existing and Proposed Elevations B, C, D and E – Drwg No PL-02-151

Proposed Cross Sections – Drwg No PL-02-152

1.03 In addition to this Statement the following supporting Statements accompany the application:

Daylight and Sunlight Assessment (prepared by T16 Design)

Parking Technical Note (prepared by PT Planners)

Energy and Sustainability Statement (prepared by The PES)

Arboricultural Impact Assessment (including Tree Survey, Tree Constraints Plan and Tree Protection Plan) (prepared by Tree Sense)

1.04 This application is submitted following the refusal of planning application ref 23/0192/FUL which was for the erection of a single storey single person dwelling, following the demolition of the existing outbuilding. The Local Authority's decision was subsequently upheld on appeal. It is considered that this revised application responds to the concerns raised which related to character & appearance and living conditions, by reducing the extent of the above ground element of the proposed building so as to come no closer to the sensitive site boundaries than the existing building which is to be demolished. This previous application and appeal, and differences between this proposal and that previous scheme, are considered in more detail in the following sections.

1.05 Section 2 of this Statement describes the application site and the surrounding area. Planning history, including pre-application advice, the above- mentioned

recent application and details of other decisions of relevance in the vicinity are discussed in Section 3. The proposed development is described in Section 4. In Section 5 the proposals are considered in the context of relevant planning policies at national, strategic and local level. Section 6 contains our summary and conclusions with comments on all main planning issues relevant to the policies and issues identified in the consideration of the previous application.

2.00 SITE AND SURROUNDINGS

- 2.01 The application site is a corner plot at the junctions of Grove Avenue (to the northwest) and Falkland Avenue (to the southwest). 10 Grove Avenue is an end of terrace property with accommodation over two floors as well as in the roof space (the latter benefiting from velux windows on the front and rear elevations. The property has previously had a two-storey side extension bringing it almost up to the back edge of the Falkland Avenue pavement and stepping forward of the Falkland Avenue building line.
- 2.02 The property is occupied as three self-contained 2-bedroom flats, all accessed from the main entrance on the Grove Avenue frontage. The ground floor flat has two bedrooms (one front and one rear facing) and a combined kitchen/dining/living room which is a dual aspect room with the kitchen end of the room looking out to the flat's rear garden. The first floor flat is similarly laid out to that on the ground floor. The third flat is primarily within the roof space with one bedroom on the first floor and the other in the roof space. Whilst the ground floor flat has direct access to the garden area at the rear, neither of the upper flats have amenity space. There is no communal amenity space other than the front garden area.
- 2.03 The refuse and recycling bins for the ground floor flat are kept immediately to the rear of the building adjacent to a pedestrian gate onto the Falkland Avenue pavement where the bins are brought out to for collection. The two upper flats have their bins in the front garden area fronting Grove Avenue. These arrangements remain unchanged with the proposals.
- 2.04 The front garden area is primarily hard surfaced enclosed by low level brick walls and with a pedestrian metal entrance gate. That remains unchanged.
- 2.05 At the rear of the site is a single storey outbuilding. It is setback 3.98m from the back edge of the Falkland Avenue pavement with an up and over door on the street facing elevation and windows and a door on the side elevation facing the rear of 10 Grove Avenue. As can be seen from the photograph at Appendix A the outbuilding is on a raised concrete foundation which means that it could not ever have been used for car parking. Thus the site does not benefit from any existing off street car parking as the outbuilding cannot be accessed by a vehicle and the space in front of the outbuilding is of insufficient depth for a car to be parked. This is relevant to the consideration of car parking for the proposed development as the proposals do not give rise to any loss of existing off street car parking.

- 2.06 As referred to in Section 1 the Falkland Avenue site frontage is established by a wall and fence above. This is largely screened by ivy. A Street View photograph, from July 2008, of this boundary prior to it being screened by ivy is provided at Appendix B. The proposals do not change this boundary treatment. It is important to note that the boundary is not hedgerow, and the ivy could of course be cut back and removed at any time should the owner so desire.
- 2.07 The area is established primarily by two storey housing with some properties including use of the roof space (as is the case at the application site itself). There are a variety of styles of properties. On the north-eastern side of Grove Avenue (including the application site) is terraced housing with the style of the terraces differing either side of the junction with Falkland Avenue. On the opposite side of the road are semi-detached houses. Falkland Avenue comprises terraced housing but again of different design. A number of properties have, like 10 Grove Avenue, been previously converted to flats or houses in multiple occupation.
- 2.08 At the rear of the Falkland Avenue houses, just to the east of the application site, is a large single storey building (Lynx House) in commercial use. There are other single storey buildings towards the south-eastern end of Falkland Avenue at the rear of the Ballards Lane frontage units and a prominently sited single storey garage extension to 8 Grove Avenue, this coming up to the back edge of the Falkland Avenue pavement.
- 2.09 To the southeast of the site, between the site and the flank elevation of 22 Falkland Road, is a right of way approximately 2.6m wide which leads to the rear gardens of Nos 10 to 22 (evens) Falkland Avenue. Facing this on the flank elevation of 22 Falkland Avenue is one window, this being at ground floor level and being obscure glazed. It appears to serve a bathroom.
- 2.10 Frontage boundary treatments along Falkland Avenue are mixed. As referred to above there is the existing high-level wall with fence above which forms the boundary to the application site. Opposite this and forming the side garden boundary to 8 Grove Avenue, is a stone wall with hedge above. 22 Falkland Avenue (the property adjacent to the right of way to the rear of the application site) has a 2m high fence above low-level wall along its street frontage. Elsewhere there is a mix of no boundary, low level boundaries and walls with hedgerow above.
- 2.11 The application site is not within or in proximity to a Conservation Area nor are there any listed buildings in the vicinity.
- 2.12 The site is within a Controlled Parking Zone with on street parking on Grove Avenue and Falkland Avenue being restricted to permit holders only between

the hours of 2pm and 3pm on Mondays to Fridays. This is to prevent all day commuter car parking given the proximity to two London Underground Stations.

- 2.13 According to the Transport for London WEBCAT planning tool the site has a Public Transport Accessibility Level of 4 being within a three-minute walk of stops serving a number of bus routes on Ballards Lane and Nether Street and within an eight minute walk of West Finchley London Underground Station and a nine minute walk to Finchley Central Station. A copy of the PTAL report is provided at Appendix C.

3.00 PLANNING HISTORY

Application Site History

- 3.01 Planning permission was granted in August 1974 (Ref C5133) for the construction of a timber framed games room at the rear of the garden. The only document available on the Council's website is the decision notice itself. This is believed to be the outbuilding that would be demolished to facilitate the construction of the single dwelling.
- 3.02 Planning permission was refused for a two-storey side extension in 1978 (Ref C05133A). Then in 1979 planning permission was granted for a two-storey side extension (Ref C05133B). There was a subsequent approval for a two-storey side extension in 1986 (Ref C05133C). More recently in 2002 planning permission was refused for a two-storey side extension including a loft conversion with a dormer window on the rear elevation. The reason for refusal was on the basis of the development being obtrusive and overbearing. It is not known if the side extension was any larger than that which had previously been approved as again only the decision notices are available. Permission was again refused for a two storey side extension with dormer windows to the rear in 2003 (Ref C05133E/03). The refusal of planning permission was upheld on appeal. It is evident from the appeal decision that the Inspector's sole concern was the dormer extensions on the rear roof slope being overly large. The Inspector was not concerned in respect of the side extension failing to respect the Falkland Avenue building line referring to it not being unduly prominent or visually intrusive in the street scene.
- 3.03 Planning permission was subsequently granted in 2004 for a two-storey side extension including velux windows in the roof slopes (Ref C05133F/04). It is evident evidence from comparing the approved plans with the existing building on site that this permission has been implemented.
- 3.04 More recently, in 2015 a Certificate of Lawfulness of Existing Use was issued (Ref 15/04511/191) in respect of the use as 3 x two-bedroom flats.

PRE-APPLICATION ADVICE

- 3.05 A request for pre-application advice (Ref 22/0245/QCF) was for a two storey two bedroom detached house with accommodation at ground and basement levels was submitted in 2022. The two bedrooms were located at ground floor level with the kitchen/dining/living room at ground floor level. As a two bedroom/three person dwelling the footprint/floor area at both levels was greater than the footprint/floor area at both levels included with the current

planning application. The proposals showed a courtyard garden at ground floor level and a further courtyard garden in the lightwell at basement level.

- 3.06 With regard to matters in respect of the impact of the development on character and design of the area the pre-application advice was flawed in that it was assuming new boundary treatments between Nos 10 and 12 Grove Avenue and along the front boundary to Falkland Avenue. As referred to above there is an existing 2m high fence separating the gardens of 10 and 12 Grove Avenue and an existing wall with fence above that is to be retained along the Falkland Avenue frontage.
- 3.07 The plans as submitted for pre-application advice showed the proposed Building as coming 5m from the rear elevation of 10 Grove Avenue. With the current application the proposed building comes no closer, at ground floor level, to the rear of 10 Grove Avenue than that which is to be demolished and with the height also being slightly lower than that to be demolished. This will ensure that there will be no impact in terms of outlook on occupiers of the ground floor flat.
- 3.08 Furthermore the pre-application advice was further flawed in referring to the main outlook from the ground floor flat being to the rear. It is the kitchen end of the open plan dual aspect kitchen/living room and one of the two bedrooms that have their outlook on the rear elevation. The main outlook is to Grove Avenue through the living room window and master bedroom window. The submitted Lighting Report demonstrates that the proposals will have no adverse impact on light to 10 Grove Avenue or its garden. There was no such Lighting Report submitted with the request for pre-application advice.
- 3.09 The pre-application advice also raised concern in respect of the impact on occupiers of 12 Grove Avenue. However with the reduced size of building as now proposed, coming no closer to 10 or 12 Grove Avenue and being no higher than that existing, there will not be any adverse impact on occupants of those properties.
- 3.10 A potential concern was raised in respect of the extent of amenity space retained for 10 Grove Avenue. Concern was expressed on the basis of the rear garden being communal space. However it is not. It is only accessible to the occupants of the ground floor flat. Furthermore the retained garden area has increased from the 50sqm at the time of the pre- application advice to 84.6sqm in the current scheme. As discussed below this is significantly in excess of requirements.

- 3.11 The pre-application advice suggests that one parking space would be required for the proposed two bedroom/three person dwelling. Maximum parking standards clearly differ now the proposals are for a one bedroom/two person dwelling. As suggested in the pre-application advice this application is accompanied by a Parking Survey which demonstrates that there is ample capacity to absorb any potential overspill car parking requirements.

RECENT PLANNING APPLICATION (REF 23/0192/FUL)

- 3.12 In January 2023, a planning application was submitted for a studio flat (a single storey building) fronting Falkland Avenue. It would have been 0.44m closer to the north eastern boundary (the boundary with the rear garden of 12 Grove Avenue), 0.49m closer to the south eastern boundary (coming up to the south eastern boundary of the site which is a right of way providing access to the rear gardens of Nos 12 to 20 (evens) Grove Avenue), 2.24m closer to the rear elevation of 10 Grove Avenue and 0.2m closer to the back edge of the Falkland Avenue pavement when compared with the outbuilding to be demolished.
- 3.13 Planning permission was refused by the Local Authority (Ref 23/0192/FUL) in March 2023, for the following week reasons:

1 - The proposed new dwelling by reason of its size, siting, design and proximity to neighbouring gardens would relate poorly to neighbouring buildings, and constitute an overdevelopment of the site appearing cramped, unduly obtrusive and fail to respect the pattern of surrounding buildings, to the detriment of the character and appearance of the streetscene and general locality, contrary to Policy D3 of the London Plan (2021), Policy CS5 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2016) and the Sustainable Design and Construction SPD (adopted April 2016).

2 - The proposed development, by reason of its size, siting, design and close proximity to neighbouring boundaries, in particular No 10 and No 12 Grove Avenue, would result in an overbearing and visually obtrusive form of development when viewed from the neighbouring windows and gardens and lead to undue loss of outlook to the detriment of the residential amenities of these neighbouring occupiers, contrary to Policy D3 of the London Plan (2021), 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).

- 3.14 An appeal against this refusal of planning permission was subsequently dismissed. In upholding the Local Authority's decision the Inspector drew attention to the fact that the proposed replacement building was to be significantly wider than that to be demolished as a result of which the proposed dwelling would not read as an ancillary building within the street scene and could not be comfortably accommodated within the plot. Concern was also raised in respect of the development over a large proportion of the garden of 10 Grove Avenue and the relationship with the rear of 10 Grove Avenue being constrained and failing to respect the established pattern of development. However the current proposal differs significantly from this previous planning application/appeal in that, on this occasion, the proposed building is no larger above ground level than that which it is to replace, coming no closer to any boundary other than marginally closer to the south eastern boundary of the site which is to the right of way. In terms of this boundary the relationship is as was incorporated in the previous proposal, there being no concern in terms of this relationship previously.
- 3.15 As regards the Local Authority's concerns relating to living conditions the Inspector commented upon the proposed dwelling being significantly closer to the rear elevation of both Nos 10 and 12 Grove Avenue, resulting in development along over half of the boundary with 12 Grove Avenue, the change in ground levels exacerbating the relationship with these two neighbouring properties with the combination of these factors resulting in the previously proposed development having an overbearing impact. The Inspector noted that the Council did not identify any harm in relation to other aspects of living conditions of the occupiers of Nos 10 and 12 Grove Avenue or have any concern in respect of living conditions of occupants of properties on Falkland Avenue, finding no reason to disagree with the Council's assessment in these respects. The Inspector was therefore concerned in respect of outlook from Nos 10 and 12 Grove Avenue ground floor rear windows but with no other matter relating to neighbours' living conditions.
- 3.16 Despite dismissing the appeal the Inspector acknowledged that there would be no harm to living conditions of future occupants, protected trees or parking provision.
- 3.17 For the reasons discussed below it is considered that this revised proposal, with the above ground element of the proposed building being reduced so as to be no greater than that existing, the concerns that led to the refusal of the previous

application and the dismissal of the appeal in terms of both character/appearance and neighbours' living conditions, have been overcome.

Relevant LB Barnet Decisions

- 3.18 At 159 Etchingham Road, London N3 2EE, planning permission was granted on appeal in January 2021 (LPA Ref 20/1361/FUL) for the erection of a single storey dwelling following the demolition of a small garage block fronting the street. The site was part of the back garden of No 159 which, although having an Etchingham Road address, actually fronted Squires Lane with its entrance on the Etchingham Road side elevation. The approved plans show a flat roof single storey dwelling with access from the living room to a side garden plus a rear garden of similar size accessed from the bedroom. The existing close bordered fencing along the back edge of the pavement was shown as being extended in front of part of the dwelling and its garden. The surrounding area is of very similar nature to that around Grove Avenue and Falkland Avenue consisting of two storey semi-detached and terraced housing. The Local Authority's reason for refusal referred to an incongruous development detrimental to the appearance of the street scene and character of the locality. In overturning that decision and allowing the appeal the Inspector acknowledged the existing two storey housing and recognised that on corner plots properties are generally built closer to the back edge of the public footpath with high boundary walls and fences and with single storey detached garages and outbuildings subordinate to the main properties. The Inspector stated that against this backdrop the proposed single storey dwelling would not appear out of place with its modest scale and proportions of the proposed contemporary dwelling resulting in it being relatively unobtrusive. It is considered that the same circumstances apply with the proposed low key contemporary dwelling proposed for the rear of 10 Grove Avenue. The Inspector also made reference to the proposed dwelling only being visible over short distances when passing the site and being seen in the context of single storey extensions and outbuildings at the rear of adjacent properties. Again the circumstances are similar to the Grove Avenue proposal. A copy of this appeal decision, the approved street elevation and the approved site plan are provided at Appendix D.
- 3.19 At 61 Alan Drive, EN5 2PW planning permission was granted by the London Borough of Barnet (Ref 15/07153/FUL) in 2016 for the construction of a two storey dwelling following the demolition of garages and outhouses. While two storeys it was a flat roofed building and one of the storey's was a basement. It was very different to the surrounding two storey terraced housing being of contemporary design and flat roof appearing as a single storey building. However the Council said that despite the contemporary design being very

different to the existing properties and with the design including a front lightwell, the building was considered to have regard to the local context. The Officer's report to committee referred to the existing single storey flat roofed buildings that would be replaced. The same circumstances apply at 10 Grove Avenue where the existing flat roof garage of similar dimensions will be replaced. The Officer's report also made a point of the fact that the front building line was followed. Again at the proposals for 10 Grove Avenue maintain the Falkland Avenue front building line. A copy of the decision notice, Officer's report and main plans are provided at Appendix E.

- 3.20 Also of relevance is a permission granted for a two-storey detached house on land rear of 43 Henry Road EN4 8BG (permission granted in 2022; LPA Ref 21/2330/FUL). The site was clearly originally the rear garden for 43 Henry Road. The approved plans show a two-storey flat roofed dwelling with the front and side garden enclosed by high boundary treatment to provide privacy. It was only in front of the garage and entrance door that this boundary treatment did not fully enclose the site. It is evident from historic Google Street View imagery that the site was separated from 43 Henry Road itself sometime after April 2018. There were no buildings on the site. The scale and form of the dwelling and its positioning in the rear garden were considered acceptable by the Local Authority. It is of relevance to the proposals for 10 Grove Avenue as a result of its back garden setting albeit fronting the side road, amenity space at the front enclosed by high boundary treatment (in that case the high boundary treatment formed part of the proposal whereas that 10 Grove Avenue it exists) and the contemporary design being different to the traditional housing in the vicinity. A copy of the decision notice and plans are provided at Appendix F.
- 3.21 These other cases were referred to as part of our submission for the previous application. In the appeal decision the Inspector commented on the differences between the proposals for 10 Grove Road with those other applications. Given that the above ground aspect of the revised proposals the subject of this fresh application have responded to all comments raised in respect of increased size of the above ground building and reduced distances from 10 and 12 Grove Avenue when compared with the existing building, it is considered that these earlier decisions relating to the other sites are relevant and demonstrate that, for there to be consistency in decision making, this revised scheme should be considered favourably.

4.00 PROPOSED DEVELOPMENT

- 4.01 The proposals involve the subdivision of the plot to enable the creation of a new 1 bedroom/2 person dwelling fronting Falkland Avenue. As can be seen from Drwg No PL-02-50 the proposed dwelling is positioned in the same part of the site as the existing outbuilding. It would be no closer to the north-eastern boundary (this being the boundary with the rear garden of 12 Grove Avenue) than the building to be demolished, 0.49m closer to the south-eastern boundary (coming up to the south-eastern boundary of the site which is a right of way providing access to the rear gardens of Nos 12 to 20 (evens) Grove Avenue), no closer to the rear elevation of 10 Grove Avenue itself and no closer to the back edge of the Falkland Avenue pavement. It therefore maintains the existing relationship with boundaries where sensitivity located with neighbouring properties, only coming marginally closer to the right of way boundary beyond which is 22 Falkland Avenue.
- 4.02 The ground floor flat of 10 Grove Avenue would retain a rear garden of 84.6sqm with a depth of between 7.4m and 7.93m . It would continue to be the private amenity space for the ground floor flat. The retained garden is therefore significantly larger than with the previous application.
- 4.03 The proposed dwelling would have a gross internal floor area of 68.3sqm, arranged over two floors. At ground floor level would be an open plan kitchen/dining/living room and a WC. At basement level would be a double bedroom with an ensuite bathroom. The accommodation will have a floor to ceiling height of 2.5m. The entrance to the dwelling is on the flank elevation accessed via the public right of way. There will be sliding glazed doors on the Falkland Avenue frontage plus a large roof light providing light to the kitchen/dining/living room. The sliding glazed doors will also provide access to the ground level amenity space which will have an area of 14.07sqm. The lower ground floor bedroom has sliding doors which open onto a lightwell. The ensuite bathroom also has windows onto the lightwell. The lower ground floor courtyard provides an additional 5.76sqm of external amenity space.
- 4.04 Cycle parking (for two bicycles) is provided at ground level accessed from the garden. Refuse/recycle storage is provided at the front of the site with direct access onto the back edge of the pavement. The roof would be flat as a green roof.
- 4.05 Whilst at the front of the building the amenity space would be entirely private as it would be enclosed on the street frontage by the existing boundary treatment which is to a height of between 1.83m and 2.1m. As can be seen from Drwg No PL-02=150 the exact height varies along the street frontage as a result

of the slight gradient of the land. The only change to this boundary is the replacement of the existing double gates in front of the outbuilding with a timber fence.

- 4.06 As can be seen from Drwg No PL-02-150 the proposed building would be slightly lower than the existing outbuilding with a reduction in height of 118mm along its elevation facing the rear of 12 Grove Avenue.
- 4.07 The new dwelling would be brick faced with sliding glazed doors occupying the majority of the Falkland Avenue frontage. It is intended that the brick work match that of the flank elevation of the neighbouring property, 22 Falkland Avenue.
- 4.08 The development will be car free. The existing dropped curb in front of the site would be removed with pavement reinstated.
- 4.09 For the reasons discussed in the following Section of this Statement it is considered that this revised proposal overcomes the concerns that led to the Local Authority's refusal of planning permission and the Inspector's dismissal of the appeal against that decision.

5.00 PLANNING POLICY ASSESSMENT

5.01 We refer below to the proposals in the context of planning policies as mentioned in the above mentioned pre-application advice, the Local Authority's consideration of planning application ref 23/0192/FUL and also by the Inspector in the determination of the appeal against the refusal of that planning application.

National Planning Policy Framework (2023)

5.02 Since the pre-application advice was considered and the previous application and appeal were determined the NPPF has been revised. The latest version was published on the same date the appeal decision letter was issued so that decision would have been drafted on the basis of the 2021 version of the NPPF. The 2023 version does not introduce any changes of significance relevant to the previous decisions or this revised application.

5.03 The Officer's report in respect of the previous application does not suggest that that proposed development was contrary to the NPPF. Nor is the NPPF referred to in the reasons for refusal of planning permission or the appeal decision. However it is acknowledged that it is of relevance to the proposed development and, in terms of the issues the previous decision gave rise to, particularly in connection with matters relating to character and appearance.

5.04 Para 60 requires Local Authorities to significantly boost the supply of housing. Para 69 supports approvals on small sites and outlines that such sites can make an important contribution to meeting the housing requirements of an area as they can often be built out relatively quickly. This also needs to be considered in the context of the requirements of Paras 10 and 11 which make clear the presumption in favour of sustainable development. This presumption should be applied to all planning applications regardless of whether the Local Authority are meeting their Housing Delivery Test.

5.05 Section 11 relates to making effective use of land. Para 124(C) refers to giving substantial weight to the value of using suitable brownfield land within settlements for homes. Whilst the proposed dwelling would be within part of the rear garden of 10 Grove Avenue, it is a part of the garden that contains an outbuilding of almost identical above ground footprint. It is therefore considered that the site should be considered as brownfield land; not garden land.

5.06 Neither the Local Authority or the Inspector have raised any concern in respect of the principle of an additional dwelling on the site. The concerns are focused

on character/appearance and outlook from the rear of Nos 10 and 12 Grove Avenue. Given this a revised form of development that overcomes these very specific concerns should be encouraged.

- 5.07 With regard to design Para 135 refers to planning policies and decisions being visually attractive, functioning well and being sympathetic to local character. Important to note is sub-paragraph (c) which requires planning policies and decisions to not prevent or discourage appropriate innovation or change, such as increased densities. Sub-paragraph (e) also refers to optimising the potential of a site to accommodate development. It is considered that the proposals achieve precisely this, being carefully designed to reflect the existing character of the site (with its single storey flat roof building), maintaining the relationship with surrounding buildings and local character whilst optimising the potential of the site. The revised proposal the subject of this fresh application is considered to overcome the concerns that led to the dismissal of the previous appeal by ensuring that the above ground element of the proposed building will be no larger, in terms of its width or height, than the outbuilding which it will be replacing.

London Plan (2021)

- 5.08 The refusal of a planning application ref 23/0192/FUL referred to Policy D3 (in both of the reasons for refusal of planning permission). We consider the proposals in the context of this policy, and other London Plan policies of relevance, below.
- 5.09 Policy H1 actively encourages development that optimises housing delivery on appropriate windfall sites, especially from a number of listed categories. The proposals fall within two of the specified categories given the good PTAL rating with the site close to two London Underground stations and the town centre facilities along Ballards Lane. This is in addition to the development being of a small site which Policy H2 encourages.
- 5.10 Policy H2 relates specifically to small sites and requires Boroughs' to actively support new homes on such sites (identified as below 0.25 hectares). The policy recognises these as being important to meet London's housing targets and requires Boroughs to proactively support small and medium sized house builders. In connection with this policy Para 4.2.1 makes clear that increasing the rate of housing delivery from small sites is a strategic priority. Given this the Local Authority should be attaching weight to applications of this nature and should be working with applicants and developers to ensure that such sites come forward and are developed.

- 5.11 Policy H10 relates to housing size and mix and refers to schemes generally consisting of a range of unit sizes. Clearly with a development of any one unit this is not of relevance. However the policy repeats the aim of optimising housing potential on sites which is of relevance and also refers to the role of one and two bed units helping with the need for additional family housing by freeing up existing family housing.
- 5.12 Matters in respect of the character of an area and capacity for growth are considered in Policy D1. The policy refers to following the design led approach set out in Policy D3 to optimise site capacities. Despite Policy D3 having been referred to in the reasons for refusal of planning permission the Local Authority are not suggesting failure to comply with Policy D1. It is considered that the proposed development has been designed with this in mind, optimising the capacity of the site whilst, at the same time, respecting the character of the area given the very minimal changes on site above ground level and that are visible and could affect the character of the area. The proposed building responds to the existing character of the site and area in respect of layout, orientation and scale paying due regard to the street hierarchy, building types, forms and proportions as required by Policy D3 Part D(1). The location clearly facilitates active travel as required by Part D(2) given public transport accessibility and the provision of on-site cycle parking. The development maintains clearly defined public and private environments as required by Part D(3) with the front boundary being retained other than where the existing gates are replaced. As required by Part D(7) the proposals deliver appropriate outlook, privacy and amenity for future occupiers and for neighbouring occupiers. In this respect the reduced above ground size of the proposal responds in full to the previous concerns about outlook. As required by Part D(10) the proposed one bedroom dwelling will have comfortable indoor and inviting outdoor environments through the careful attention to design. The proposals are therefore considered to comply with all relevant aspects of Policy D3.
- 5.13 Policy D6 relates to housing quality and standards. The proposals comply with all relevant aspects of this policy being of appropriate size for a one bedroom/two person unit, having a functional and fit for purpose layout, receiving good levels of internal daylight throughout and also complying with BRE guidance in respect of sunlight. Internal floor to ceiling height complies with the 2.5m referred to. Outdoor private amenity space significantly exceeds the 5sqm that the policy would require for a two-person dwelling.
- 5.14 As regards policy T5 and cycle parking the proposals incorporate cycle parking exceeding the standard of 1.5 spaces for a dwelling of this size.

- 5.15 As regards car parking Policy T6 requires that this be restricted in line with levels of existing and future public transport accessibility and connectivity, referring to a car free development being the starting point for all development proposals in places well connected by public transport. The absence of off street car parking is thus in accordance with this policy. Table 10.3, to which Policy T6.1 refers, specifies that in outer London areas with a PTAL rating of 4 (so including the application site) maximum parking provision for one and two bed dwellings is up to 0.5 to 0.75 spaces per dwelling. There is no minimum requirement.
- 5.16 Policy G6 relating to biodiversity would be of relevance. The incorporation of a green roof would no doubt increase the potential biodiversity interest on the site. It is assumed that, should planning permission be granted, there would be a standard condition requiring details of landscaping and biodiversity matters to be submitted.
- 5.17 Policy G7 is also a relevance given that the proposals involve the loss of one small tree within the site. It is noted that Part C of the policy refers to development proposals ensuring that, wherever possible, existing trees of value are retained. The existing tree is not one that is of value. It is not a Category A or B tree, nor important to amenity or biodiversity. This same tree would have been lost with the previous proposal. No concern was raised previously in this respect, either by the Local Authority or Inspector.

LB Barnet – Core Strategy (2012)

- 5.18 The reasons for refusal of planning permission referred to Policy CS5. We comment below on the proposals in the context of this policy and others of relevance.
- 5.19 Policy CS NPPF repeats the National Planning Policy Framework's presumption in favour of sustainable development stating that when determining development proposals the Council will take a positive approach reflecting this presumption. The policy goes on to state that where applications accord with policies they will be approved without delay, unless material considerations indicate otherwise. For the reasons discussed below it is considered that the revised proposals comply with all relevant policies.
- 5.20 Whilst Policy CS1 refers to consolidating housing and economic growth in certain areas this should not result in any applications for development outside of those areas being considered negatively. The policy is effectively seeking to focus the main strategic housing and economic growth and is not relevant to the consideration of an application for a single dwelling. The same applies to

Policy CS3. It is not considered that there is anything that results in the area generally being unsuitable for additional residential development. Indeed this has been accepted in the determination of the previous application and appeal.

- 5.21 The proposals help in providing a range of dwelling sizes and types of housing as required by Policy CS4. The proposed unit will comply with Lifetime Home Standards, will help meet identified housing priorities (by freeing up family housing as the London Plan recognises to be a benefit of one and two bed units) and will not undermine the suburban character of the area. In this respect the character of the area will be retained with a building that is almost identical above ground level, in terms of its design and proportions, to the existing outbuilding.
- 5.22 The proposed development will comply with the relevant aspects of Policy CS5. Whilst resulting in a reduction to the garden area of the ground floor flat at 10 Grove Avenue ample garden space is retained for that property (as referred to below in the context of the Council's supplementary guidance) with the proposed building being of high quality, sustainable and adaptable as required. It is considered that the reduced above ground scale of the proposed development, when compared with the previous application and appeal, ensures that the previous concerns in respect of this policy have been overcome with this revised development.

LB Barnet – Development Management Policies (2012)

- 5.23 The reasons for refusal of planning application ref 23/0192/FUL refer to Policy DM01. We comment below on the proposals in the context of this and other policies of relevance.
- 5.24 It is considered that the revised development, with the above ground part of the building being reduced in size so as to be **identical** to the outbuilding which it is intended will be replaced (apart from the proposed building being 118mm lower than the existing along the elevation closest to the rear of 10 and 12 Grove Avenue and being slightly closer to 22 Falkland Avenue as was the previous proposal with that aspect of it being considered acceptable), ensures that the proposed development now complies with Policy DM01, protecting Barnet's character and amenity. The proposals represent high quality design which, as the Energy and Sustainability Statement demonstrates, will contribute to climate change mitigation and adaptation. The proposals are based on an understanding of local characteristics. When considering the character of the local area it is appropriate to take into account existing local character which includes the existing single storey outbuilding to be replaced. With this in mind the revised proposals preserve local character and respect the

appearance, scale, mass, height and pattern of surrounding buildings and spaces. Important in this respect is the fact that the proposed building will be no higher than that which it replaces and will not step forward of the Falkland Avenue building line. It will be of similar massing to the existing outbuilding and maintain the existing boundary treatment. This latter point is also relevant to the requirement of the policy that development avoids blank walls and ensures attractive and vibrant streets. In this respect the proposals do not change the existing situation, maintaining the existing street frontage boundary other than replacing the existing gates with fencing to match the remainder of the frontage boundary.

- 5.25 The submitted Lighting Assessment demonstrates that the proposals allow for adequate daylight and sunlight both for future occupiers of the proposed dwelling and neighbouring occupiers. With the retention of the existing boundaries the garden of the proposed dwelling will be suitably private. There will be no overlooking as the windows of the proposed dwelling are street facing (other than the roof light). With the distances from the boundaries it is considered that the proposals will retain suitable outlook for the occupier of the ground floor flat at 10 Grove Avenue. Similarly as a result of the juxtaposition, the height and the 2m high fence along the boundary with the neighbouring property, there will be no impact on the amenities of occupants of 12 Grove Avenue. The reduced width of the building, ensuring that the above ground element comes no closer to the rear of 10 Grove Avenue than the existing outbuilding, overcomes the concerns that led to the previous refusal of planning permission and dismissal of the appeal.
- 5.26 The proposals retain sufficient amenity space for the ground floor flat at 10 Grove Avenue having regard to its character, as is required.
- 5.27 The incorporation of a green roof will ensure that the proposed development contributes to biodiversity. The loss of one small immature tree which, it should be borne in mind, the Applicant could remove at any time as the site is not within a Conservation Area nor is the tree protected, does not render the proposals unacceptable in the context of Part (k).
- 5.28 The proposals comply with the relevant development standards to which Policy DMO2 refers - in particular the dwelling complies with minimum floor space requirements as set out in the London Plan, amenity space is appropriate to the nature of the dwelling and numbers of future occupants (as is referred to below) and the development will comply with Lifetime Homes Standards.
- 5.29 The proposed dwelling will have level access and comply with mobility standards.

- 5.30 Policy DMO8 requires a variety of sizes of new homes to meet housing need. With the development providing just one dwelling there cannot be a mix within the development itself. Whilst it is noted that the dwelling size priorities are for larger dwellings the site is not capable of providing for a larger dwelling. Despite this the NPPF and London Plan requirements in respect of optimising a site's capacity means that, given the suitability of development in principle, the potential for a smaller dwelling should be considered positively. Furthermore the London Plan recognises that the provision of one and two bed units frees up family housing elsewhere.
- 5.31 Policy DM16 refers to the Council seeking the retention and enhancement of biodiversity. The incorporation of the green roof will ensure that this policy can be complied with. It is assumed that, in the normal manner, any planning permission would be conditioned requiring details of the green roof and biodiversity enhancements to be submitted to the Local Authority.
- 5.32 With regard to car parking Policy DM17 refers to one to less than one space per unit for development consisting mainly of one bedroom units. Furthermore the policy acknowledges that residential development may be acceptable with limited or no parking where it can be demonstrated through a survey that there is sufficient on street parking capacity. The proposal is accompanied by such a Parking Survey which demonstrates this to be the case.

LB Barnet – Residential Design Guidance SPD (2016)

- 5.33 The proposals maintain the suburban character of the area with the dwelling back set from the road following the existing building line, with a front garden and maintaining generous gaps between the buildings (as referred to at Para 6.4). This is recognised at Para 6.6 as being important to the design and layout of new development. The proposals maintain the perimeter block structure to which Para 6.7 refers.
- 5.34 Paras 6.9 to 6.11 refer to building lines and setbacks. The setback of a dwelling from a street is acknowledged as being a key consideration. Hence the fact that the proposed development does not step forward of the existing outbuilding to be demolished nor does it step forward of the Falkland Avenue building line generally. This responds to Para 6.11 that advises that in cases of infill areas, replication of existing pattern of setbacks should be taken into account.
- 5.35 With regard to height Para 6.13 states that where uniform building heights form a distinctive character, major variations will not normally be appropriate, in particular in the middle of a row of buildings. The proposed development is not

in the middle of a row of buildings. Indeed it is simply replacing a building with another of similar height. As referred to in Section 3 the Council have previously approved single storey flat roofed dwellings in similar types of locations; it is not considered that there is any justification for taking a different approach in this case.

- 5.36 Materials will follow the guidance set out in Para 6.14 and 6.15, utilising facing brick to match that on the flank elevation of 22 Falkland Avenue. Given the position of the proposed dwelling it is considered that that is more appropriate than a rendered finish. It is notable that many brick facades have been rendered in the vicinity. If the Local Authority prefer a rendered facade then a condition on any planning permission granted requiring details of materials to be submitted to the Local Authority for approval could overcome any concern in this respect.
- 5.37 With regard to boundary treatments and the guidance at Paras 6.16 to 6.18 it should be noted that the proposals do not alter existing boundary treatments other than replacing the existing solid double gates providing access from Falkland Avenue to the site with fencing to match that existing along the street frontage of the remainder of the site. Thus the reference at Para 6.17 to the permitted height of a means of enclosure generally being 1m adjacent to a highway and 2m elsewhere is not a relevance.
- 5.38 The proposed site layout and position of proposed windows will ensure no impact on neighbours privacy and also will ensure that the proposed development will be suitably private, including its external amenity space. With the distance from boundaries the proposed dwelling will have an appropriate outlook. Likewise there will be no harm to outlook of neighbouring dwellings.

LB Barnet – Sustainable Design and Construction SPD (2016)

- 5.39 The proposed development complies with the relevant minimum internal space standard. In accordance with the requirements of Section 2.1, and in particular Table 2.1, this two person unit has a floor area of 68.3sqm, and including ample storage, so complying with the Nationally Described Space Standard, the London Plan and Barnet's SPD. Table 2.1 refers to minimum ceiling height of 2.3m for at least 75% of the gross internal area. The proposed dwelling will have a floor to ceiling height of 2.5m, in accordance with the more recent London Plan.
- 5.40 It is acknowledged that the proposed development complies with the usual definition of a "house" by having accommodation over two floors. However for all intents and purposes it will provide accommodation of a similar nature to a

one bedroom flat. It is acknowledged that the proposed dwelling does not have amenity space in accordance with the requirements of Table 2.3 if it is assessed as a house. However it is clear that this table does not take into account "houses" of only two habitable rooms, as is proposed, with the smallest house being referred to as four habitable rooms. Furthermore we note that Policy CDHO7, of the Borough's Draft Local Plan (2021), introduces the possibility of a contribution to off-site provision where amenity space on site does not meet the Council's specified standards. In this case it is not considered that any contribution is reasonable or necessary, given that the property will be occupied in an identical manner to the nature of occupation of a one bedroom/two person flat where only 5sqm amenity space is sought by the London Plan and 10sqm by the Council's SPD and given that the proposal will have 19.83sqm amenity space with the majority at ground level.

- 5.41 Para 2.2.3 is of relevance given that the proposed dwelling is single aspect. The Lighting Assessment demonstrates that there will be adequate daylight. The layout also ensures adequate ventilation and privacy. Thus the fact that the unit will be single aspect, apart from the skylight, should not render the development unacceptable.
- 5.42 With regard to privacy Table 2.4 sets out minimum distances from habitable room windows to neighbouring properties and to a neighbours garden. The proposed dwelling is orientated so that it has no habitable room windows facing any neighbouring property.

6.00 SUMMARY AND CONCLUSIONS

6.01 Within this Section of the Statement we consider the planning issues to which the proposals give rise having regard to the pre-application advice, the determination of the previous application and appeal, as well as planning policies at national, strategic and local level and also other decisions made by the Local Authority and an Inspector in determining an appeal for a similar form of development. As we demonstrate below the proposals comply with all relevant planning policies, respond by way of reduced above ground scale to the reasons that led to the refusal of the previous application and the dismissal of appeal, and thus it is considered that planning permission should be forthcoming.

Principle of Development

6.02 The NPPF sets out a presumption in favour of sustainable development with this being followed through in local planning policies. As the Energy and Sustainability Statement demonstrates the proposed development will be sustainable in terms of reduction in energy demand using renewable energy technologies. In addition, the site is clearly in a highly sustainable location with good access to public transport, shops and services so reducing the need for motor vehicle use. In this respect the proposals do not incorporate off street car parking in order to encourage journeys by foot and bicycle as well as by public transport.

6.03 The application site is a small site in the context of London Plan Policy H2 and is thus one where development should be encouraged in principle. The proposals provide for efficient and effective use of the site which is already largely developed with the footprint of the existing building above ground level being almost identical to that of the existing building.

6.04 In addition the proposals optimise the development potential of the site. It is not considered that a dwelling of two storeys above ground would be suitable as this would impact on outlook and light to the existing flats in 10 Grove Avenue. The proposals are thus considered to optimise the development potential of the site in a wholly appropriate manner without giving rise to any harm to the character and appearance of the area, amenities of neighbours, and providing a wholly appropriate form of accommodation for future occupiers (as discussed below).

6.05 Neither the refusal of the previous application or the appeal decision raised any concerns in respect of the principle of the development of the site for a single dwelling. The concerns related solely to character and appearance and

amenities of neighbouring occupiers (the latter solely being the outlook from the rear of Nos 10 and 12 Grove Avenue), which, as discussed below, the revised proposal overcomes.

Character and Appearance

- 6.06 The starting point in assessing the impact of the development on the character of an area is an assessment of the existing character. This should not exclude the contribution to the character of the area made by the existing building on the application site. It is therefore relevant to consider whether the proposals harm the character of the area when compared with its existing character.
- 6.07 Unlike the previous planning application this revised proposal ensures that that part of the proposed building which could affect the character of the area (ie the above ground part of the development) is of almost identical massing and siting and height to the existing outbuilding that will be replaced. The reduced above ground scale (when compared with the previous application/appeal) will ensure that the building will come no closer to neighbouring gardens than that existing, will not appear cramped or obtrusive, and will respect the pattern of the existing building and its relationship with the surrounding buildings.
- 6.08 The redesign and reduced scale above ground will ensure that the building will have no impact on the character and appearance of the street scene or the general locality. The proposed dwelling will be accessed from its flank elevation via the existing right of way. The Inspector's main concern related to the previous proposal being significantly wider than the existing outbuilding to be demolished. That is no longer the case. Given the amendments to the proposals there will be no change to separation distances other than marginally with 22 Falkland Avenue. That relationship will be as with the previous proposal with no concern having been raised previously regarding this relationship as that property does not have any habitable room windows facing the application site.
- 6.09 In this respect the application site, whilst in an area of predominantly two storey family housing, contains a single storey flat roofed outbuilding, being slightly higher than the proposed replacement building, following the same front building line and with a similar relationship to the properties at 12 Grove Avenue and 22 Falkland Avenue.
- 6.10 From the street it will not be evident that the site has been subdivided. The only new boundary will be a fence separating the plot from the rear garden of the ground floor flat of 10 Grove Avenue. This new boundary will be to the same height as the existing boundary treatment along the back edge of the pavement. Thus it will not be visible from the street and will not impact on the

street's character. The proposals retain existing boundary treatments to Falkland Avenue and also to 12 Grove Avenue. As existing the site will be largely enclosed with the only visible change being to the entrance gates from Falkland Avenue.

- 6.11 In terms of the proposed use a non-family dwelling is appropriate for the character of the area with existing dwellings comprising a mix of single family houses together with flats and HMO conversions.
- 6.12 For these reasons it is considered that the proposals will be in keeping with the character of the area in terms of both the form of the building proposed and its use.

Amenities of Future Residents

- 6.13 No concern was previously raised in this respect. It is not considered that this revised development should give rise to any concern in respect of future residents amenities either.
- 6.14 The proposed dwelling has a gross internal area in excess of the 58sqm referred to the Nationally Prescribed Space Standards and the London Plan for a one bedroom/two person dwelling over two floors. It also provides built in storage to comply with standards. The floor to ceiling height of 2.5m complies with the London Plan and exceeds the requirement of the Nationally Prescribed Space Standards in which minimum floor to ceiling heights are referred to as only 2.3m.
- 6.15 The proposed amenity space significantly exceeds minimum requirements as referred to in the London Plan. For a one bedroom/two person unit the London Plan would only require 5sqm. As discussed above it is acknowledged that the proposed development has a ground level garden of 14.07sqm plus a basement courtyard garden of a further 5.76sqm. We consider it inappropriate to apply LB Barnet's out of date amenity space requirement for a house for two reasons. Firstly the Council's Supplementary Planning Guidance which refers to amenity space requirements predates the London Plan with its reduced requirements; secondly, whilst the proposed development is built over two floors, there is no reason to treat it any differently in terms of amenity space requirements than would be the case were the accommodation all to be laid out at one level as a one bedroom flat. Furthermore we note that the Local Authority's emerging local plan allows for financial contributions where amenity space requirements cannot be met on site. We would also point out that requiring a larger garden for a 2 person unit is inconsistent with planning policy requiring that efficient use be made of previously developed land.

- 6.16 Whilst the garden area is at the front of the dwelling this does not mean that it should not be counted as amenity space and indeed with the previous application/appeal there was no concern in this regard. The existing boundary to Falkland Avenue will ensure that the space is private. A good quality courtyard garden will be provided for the future residents.
- 6.17 The existing Falkland Avenue boundary wall will also ensure privacy within the dwelling. With fenestration being limited to the Falkland Avenue frontage and roof light there will be no opportunity for overlooking from nearby residential properties or their gardens.
- 6.18 With the depth of the front garden area being 3.94m and given the extent of glazing with full height glazed doors, there will be a good outlook into the courtyard garden.
- 6.19 In terms of light the Daylight and Sunlight Assessment demonstrates that there will be a good level of daylight within the proposed dwelling complying with BRE guidance. As the Lighting Assessment also demonstrates the proposed amenity space complies with BRE guidance in terms of proposed amenity sunlight hours.

Amenities of Neighbouring Residents

- 6.20 The Local Authority's and the Inspector's concerns in the determination of the previous application/appeal related to neighbours' amenities due to the previously proposed building coming closer (above ground level) to the rear of Nos 10 and 12 Grove Avenue than does the existing building, giving rise to an overbearing impact on occupants of those properties. Neither the Local Authority or Inspector identified any other harm in respect of neighbours living conditions.
- 6.21 Unlike the previous proposal this revised proposal will not be a wider building than that existing so will not impact unduly on neighbours' light, outlook or sense of enclosure.
- 6.22 As with the previous proposal the only windows (apart from the skylight) will be on the Falkland Avenue frontage and therefore there will be no impact on neighbours privacy.
- 6.23 The Daylight and Sunlight Assessment demonstrates that the proposals will have no unacceptable impact on any neighbour in terms of loss of daylight, sunlight or overshadowing of gardens. Neighbouring gardens retain over 80%

of their existing values with the impact on annual sunlight hours, winter sunlight hours and daylight all complying with the BRE guidance. The detailed calculations clearly show very little impact on neighbours as far as light is concerned.

- 6.24 As far as 22 Falkland Avenue is concerned the only facing window is the ground floor obscure glazed window which is believed to be to a bathroom. Despite this the Lighting Assessment considers the impact on light to that room as if it were a habitable room and shows that no harm will be caused. Furthermore the relationship with 22 Falkland Avenue is the same as with the previous proposal with that having been found to be acceptable.
- 6.25 For these reasons it is not considered that this revised form of development will give rise to any harm to amenities of occupiers of any of the neighbouring properties.

Car Parking

- 6.26 The proposed development does not incorporate off street car parking. The same was the case with the previous application. Neither the Local Authority or Inspector raised any concern in respect of parking. Whilst there is a dropped curb in front of the existing entrance gates to this part of the application site the existing property does not benefit from any off street parking. The outbuilding has not and could not be used for car parking given that it is on a raised concrete base. Furthermore due to the depth of the forecourt area in front of the outbuilding there is insufficient depth for a car to be parked off street with the front elevation of the building being only 4.01m from the back edge of the pavement.
- 6.27 With regard to parking for the proposed dwelling itself it is clear from maximum parking standards that there should be less than one space for a dwelling of this size. This is on the basis of both London Plan and LB Barnet standards. As no off-street car parking is provided the Applicant has commissioned a Parking Survey. This has been undertaken on the basis of the standard Lambeth Methodology looking at overnight parking capacity within 200m walking distance of the site. As the PTP Technical Note shows, within this area parking occupancy levels were found to be 73% on one occasion and 76% on another. This is at the time of maximum overnight parking and therefore demonstrates there to be ample on street capacity to cater for one additional car.
- 6.28 Given the results of this Parking Survey there should be no requirement for the Applicant to enter into a legal agreement removing the rights of the future

resident to obtain parking permits. This was accepted in the determination of the previous application/appeal.

- 6.29 Thus the absence of off street car parking, the building up of the existing dropped curb (which would add to on-street parking capacity) and the inclusion of cycle parking in compliance with minimum standards, results in the proposed development being acceptable in all respects with regard to car and cycle parking.

Trees and Biodiversity

- 6.30 Whilst the proposals involve the removal of a young fig tree on the northwest side of the entrance gates to the site this is small in form with a height of only 4m or so, was planted only four years ago and offers very little amenity value to the site or the wider area. This tree is therefore proposed to be removed prior to commencement of development. It is not considered that the loss of this one small tree renders the development unacceptable.
- 6.31 The impact of the proposal has been assessed in the Arboricultural Impact Assessment on trees to be retained. The only tree to be considered in this respect is a tree within the rear garden of 12 Grove Avenue. The Tree Protection Plan shows an incursion of 2.2% of the total root protection area of this tree which is considered, by the arboricultural consultant, to be acceptable. Indeed it is a lesser incursion than the previous scheme involved with neither the Local or Authority or Inspector having any concern on that occasion. Furthermore this does not factor in the restrictive nature of the existing concrete surface and footings of the current outbuilding which has been in situ for approximately 40 years. The Arboricultural Impact Assessment therefore concludes that there will be no harm caused to this neighbour's tree.
- 6.32 Overall, when taking into consideration the proposed green roof, the development will enable biodiversity enhancements. There are no protected species on the site which is a typical cultivated garden with large outbuilding. By way of a typical condition on any planning permission granted the development would bring with it an opportunity for biodiversity enhancements.

General Conclusions

- 6.33 Overall it is considered that the proposed development is entirely acceptable in all respects. It is considered that this revised form of development overcomes the specific concerns that led to the refusal of planning permission for application ref 23/0192/FUL; similarly it overcomes the appeal Inspector's concerns that led to the dismissal of the appeal against that decision. Above ground level the proposed building is now no wider than the building to be demolished so overcoming the concerns in respect of both character and appearance and neighbours amenities.
- 6.34 The proposals comply with all relevant planning policies at national, strategic and local level. A decision to grant planning permission would also be consistent with various other decisions made by the Local Authority and an Inspector on appeal as outlined in Section 3.

APPENDIX

'A'



APPENDIX

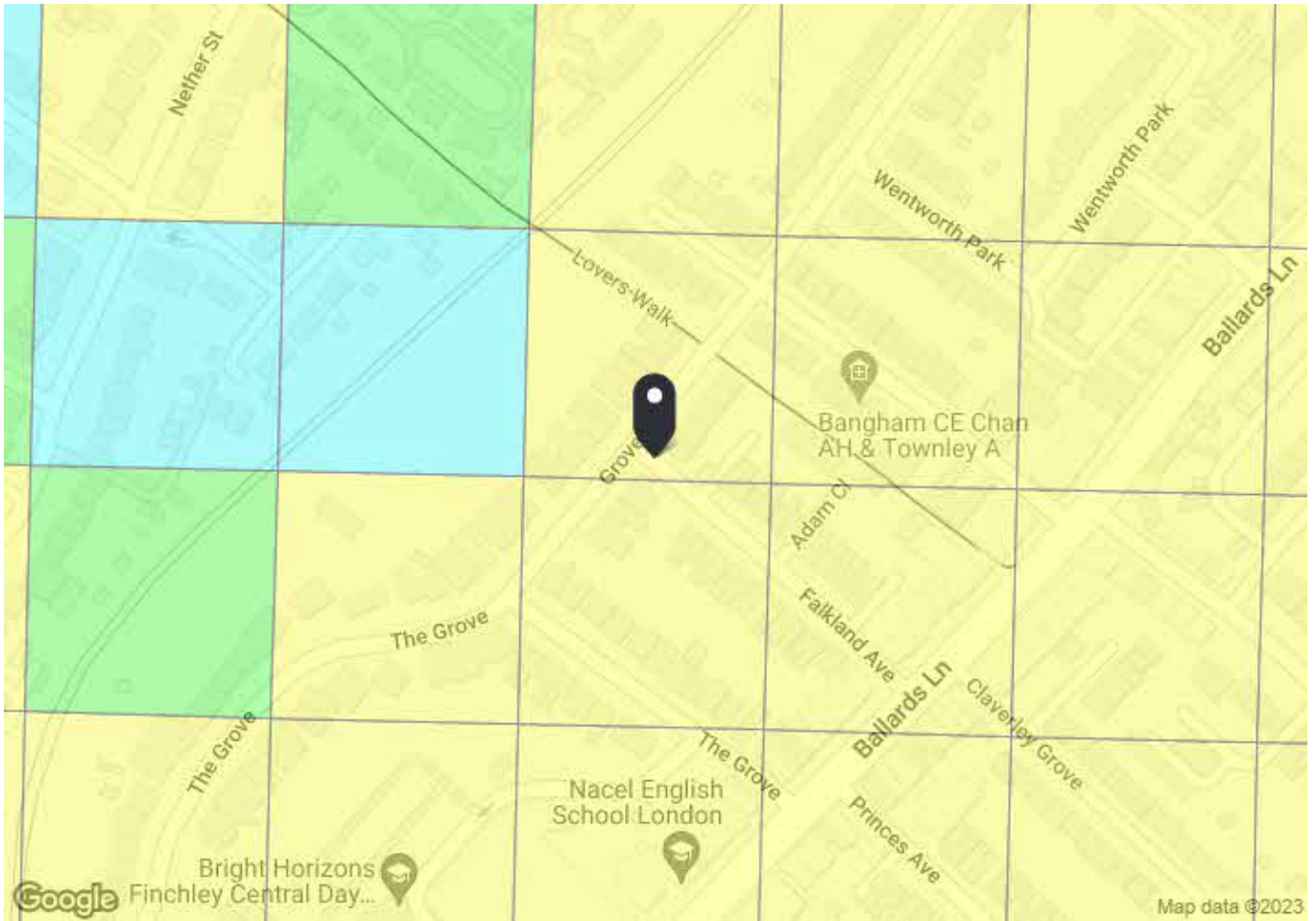
'B'



P
From 9am - 5pm
2pm - 5pm
Special
numbers only

APPENDIX

'C'



PTAL output for Base Year
4

Neofitters of London, 10 Grove Ave, London N3 1QP, UK
Easting: 525350, Northing: 191103

Grid Cell: 137531

Report generated: 10/01/2023

Calculation Parameters

Day of Week	M-F
Time Period	AM Peak
Walk Speed	4.8 kph
Bus Node Max. Walk Access Time (mins)	8
Bus Reliability Factor	2.0
LU Station Max. Walk Access Time (mins)	12
LU Reliability Factor	0.75
National Rail Station Max. Walk Access Time (mins)	12
National Rail Reliability Factor	0.75

Map key - PTAL

0 (Worst)	1a
1b	2
3	4
5	6a
6b (Best)	

Map layers

- PTAL (cell size: 100m)

Calculation data

Mode	Stop	Route	Distance (metres)	Frequency (vph)	Walk Time (mins)	SWT (mins)	TAT (mins)	EDF	Weight	AI
Bus	BALLARDS LANE LONG LANE	125	236.54	6	2.96	7	9.96	3.01	0.5	1.51
Bus	BALLARDS LANE LONG LANE	460	236.54	5	2.96	8	10.96	2.74	0.5	1.37
Bus	BALLARDS LANE LONG LANE	82	236.54	8.75	2.96	5.43	8.39	3.58	1	3.58
Bus	BALLARDS LANE LONG LANE	143	236.54	5	2.96	8	10.96	2.74	0.5	1.37
Bus	BALLARDS LANE LONG LANE	382	236.54	4	2.96	9.5	12.46	2.41	0.5	1.2
Bus	NETHER ST	326	242.33	5	3.03	8	11.03	2.72	0.5	1.36
LUL	West Finchley	'Morden-HighBarnet '	637.68	14.67	7.97	2.79	10.77	2.79	1	2.79
LUL	West Finchley	'HighBarnet-Morden '	637.68	0.33	7.97	91.66	99.63	0.3	0.5	0.15
LUL	West Finchley	'HighBarnet-Kenningt '	637.68	5.33	7.97	6.38	14.35	2.09	0.5	1.05
LUL	West Finchley	'HighBarnet-EastFinch'	637.68	0.67	7.97	45.53	53.5	0.56	0.5	0.28
LUL	Finchley Central	'Morden-MillHillE '	672.53	4	8.41	8.25	16.66	1.8	0.5	0.9
LUL	Finchley Central	'MillHillE-FinchCen '	672.53	0.33	8.41	91.66	100.07	0.3	0.5	0.15
LUL	Finchley Central	'MillHill-Morden '	672.53	1.67	8.41	18.71	27.12	1.11	0.5	0.55
LUL	Finchley Central	'MillHillE-Kenningt '	672.53	1.67	8.41	18.71	27.12	1.11	0.5	0.55
Total Grid Cell AI:										16.81

APPENDIX

'D'



Appeal Decision

Site visit made on 19 January 2021

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th January 2021

Appeal Ref: APP/N5090/W/20/3259147

Land adjacent to 157 Etchingham Park Road, Finchley, London N3 2EE

The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.

The appeal is made by Mr Brendan Morrissey of Future Vision Style against the decision of the Council of the London Borough of Barnet.

The application Ref 20/1361/FUL, dated 12 March 2020, was refused by notice dated 21 August 2020.

The development proposed is erection of a detached dwelling following demolition of the existing garages. Associated amenity space, cycle parking, refuse and recycling and parking.

Decision

1. The appeal is allowed and planning permission is granted for erection of a detached dwelling following demolition of the existing garages. Associated amenity space, cycle parking, refuse and recycling and parking at Land adjacent to 157 Etchingham Park Road, Finchley, London N3 2EE in accordance with the terms of the application Ref 20/1361/FUL, dated 12 March 2020, subject to the conditions in the attached schedule.

Procedural Matter

2. I have used the Council's description of the development in reaching my decision as it more fully describes the details of the development than that given on the original planning application form. The appellant's appeal form also makes reference to the updated description.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site comprises of a detached block of three shallow pitched garages and a parking forecourt at the rear of two terraced properties with single storey rear extensions situated on a corner plot at the junction of Etchingham Park Road and Squires Lane.
5. It is located within a mature well-established residential area, typically characterised by traditional two storey terraced properties set back from the road. The properties on the corner plots are generally built closer to the back

- edge of the public footpath with high boundary walls/fences and have single storey detached garages and outbuildings at the rear that generally appear as clearly subordinate to the main properties.
6. The proposal would involve the demolition of the block of garages and the construction of a single storey contemporary style dwelling with associated parking, garden and landscaping. The proposed dwelling would be set down close to the front of the site and would be separated from the road by a high boundary timber fence running along the side of the property. The external finish of the dwelling would be predominantly constructed from London Stock brick and timber cladding with a flat sedum green roof and solar panels.
 7. Given the site's location, the proposed dwelling would only be visible over short distances when passing the site and would be seen in the context of the various single storey extensions and buildings at the rear of the adjacent properties, including the double garage with a high boundary wall/fence situated close to the back edge of the footpath at the rear of the corner property on the opposite side of Etchingham Park Road.
 8. Against this backdrop, the scale, form and design of the single storey dwelling would not appear significantly out of place or excessive in relation to the built form of the adjacent and the nearby buildings. The overall modest scale and proportions of the proposed contemporary dwelling, set down, together with the use of matching materials, fenestrations, landscaping and the boundary treatment would ensure the proposal would sit relatively unobtrusively against the built form of the existing properties. The proposal would therefore achieve an appropriate degree of subordination to the existing buildings and as such would limit any significant adverse impacts on the street scene.
 9. Consequently, I conclude that the proposed development would not result in significant harm to the character and appearance of the area. It would be consistent with Policies CS1 and CS5 of the Barnet's Core Strategy 2012, Policy DMO1 of the Barnet's Development Management Policies Document 2012, the Council's Residential Design Guidance Supplementary Planning Document 2016 and Sustainable Design and Construction Supplementary Planning Document 2016. These policies and guidance, amongst other things, seek to ensure that development is of the highest standard of sustainable design that respects the local context in terms of appearance, scale and design of the development and responds to the overall character of the area.

Other Matters

10. I have noted the objections from third parties to the proposal relating the impact on the character and appearance of the area, amenities of local residents, overdevelopment, traffic, parking, highway and pedestrian safety, use of the shared common accessway, security, planning history of the site, further multi-occupancy dwelling and the impacts on the local services.
11. However, I have addressed the matters relating to the area's character and appearance in the issues above. The Council's Highway Officers has raised no objections to the proposal on highway grounds, subject to appropriate planning conditions. The other matters raised did not form part of the Council's reasons for refusal. I am satisfied that these matters would not result in a level of harm which would justify dismissal of the appeal and can be dealt with by planning conditions where appropriate. In addition, I have considered the

appeal entirely on its own merit and, in the light of all the evidence before me, this does not lead me to conclude that these other matters, either individually or cumulatively, would be an over-riding issue warranting dismissal of the appeal.

Conditions

12. Having regard to the National Planning Policy Framework and in particular paragraph 55, I have considered the conditions based on those suggested by the Council and the appellant.
13. In addition to the standard time limit condition, I have specified the approved plans as this provides certainty. Those conditions relating to the detailing of the external materials, hard and soft landscaping, boundary treatment, site levels and a demolition and construction management plan are necessary in order to safeguard the amenities of the nearby residents and the character and appearance of the area.
14. Those conditions relating to the parking area and cycle parking are necessary in the interests of highway safety and to promote sustainable transport. A condition relating to the refuse storage and collection is necessary in the interests of amenity and promoting sustainable waste management. I agree that the conditions relating to the details of accessibility, energy and water efficiency are necessary in order to ensure a sustainable, accessible and adaptable built development.
15. The Council have suggested the removal of permitted development rights. However, in light of my findings, it is not considered necessary, given that the proposal is acceptable on its own merits. There are no exceptional circumstances that would justify the removal of permitted development rights that are reasonable and necessary to make the development acceptable.

Conclusion

16. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and particulars: -
487519-1, 487519-2, 487519-3, 487519-4, 487519-5 and 487519-6.
- 3) No development other than demolition works shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
- 4) No development other than demolition works shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - i) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate;
 - ii) hard surfacing materials;
 - iii) means of enclosure and retaining structures;
 - iv) boundary treatment[s];
 - v) vehicle parking area; and
 - vi) other vehicle and pedestrian access and circulation areas.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) No development other than demolition works 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. The development shall thereafter be implemented in accordance with the details as approved and retained as such thereafter.
- 7) Prior to occupation of the development, cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.
- 8) No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter

- be implemented in full accordance with the details approved under this plan.
- 9) Before the development hereby permitted is first occupied details of the refuse storage and collection arrangements shall be submitted to and agreed by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
 - 10) Before the development hereby permitted is first occupied or the use first commences, the parking space shown on Drawing No. 487519-4 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.
 - 11) 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.
 - 12) 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 it shall be 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.
 - 13) Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6 % in carbon dioxide emissions 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.

SITE PLAN SHOWING INDICATIVE LANDSCAPING



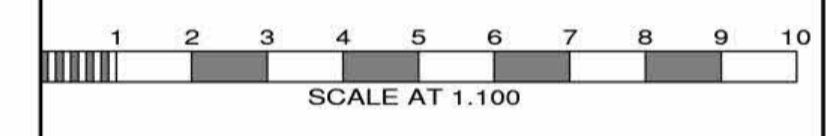
KEY	
GRASS	
SOLAR PANELS	
FLOWER BED	
ELECTRIC CHARGING POINT	
SEDUM ROOF	
NEW TREE	
NEW PAVING	
DEMISE OF SITE IN OWNERSHIP OF APPLICATION	
DEMISE OF SITE TAKEN FOR NEW APPLICATION	
BIKE STORE (2 BIKES VERTICALLY)	
RENEWED DRIVEWAY	

PLANNING

SITE PLAN SHOWING OWNERSHIP OF AMENITY



HOUSE	NO. OF HABITABLE ROOMS	NO. OF HABITABLE ROOMS	
114 SQUIRES LANE	5	56	
159 ETCHINGHAM PARK ROAD	6	97	
NEW 1 BED UNIT	3	40	



No.	Date	By	Contents
Revisions			

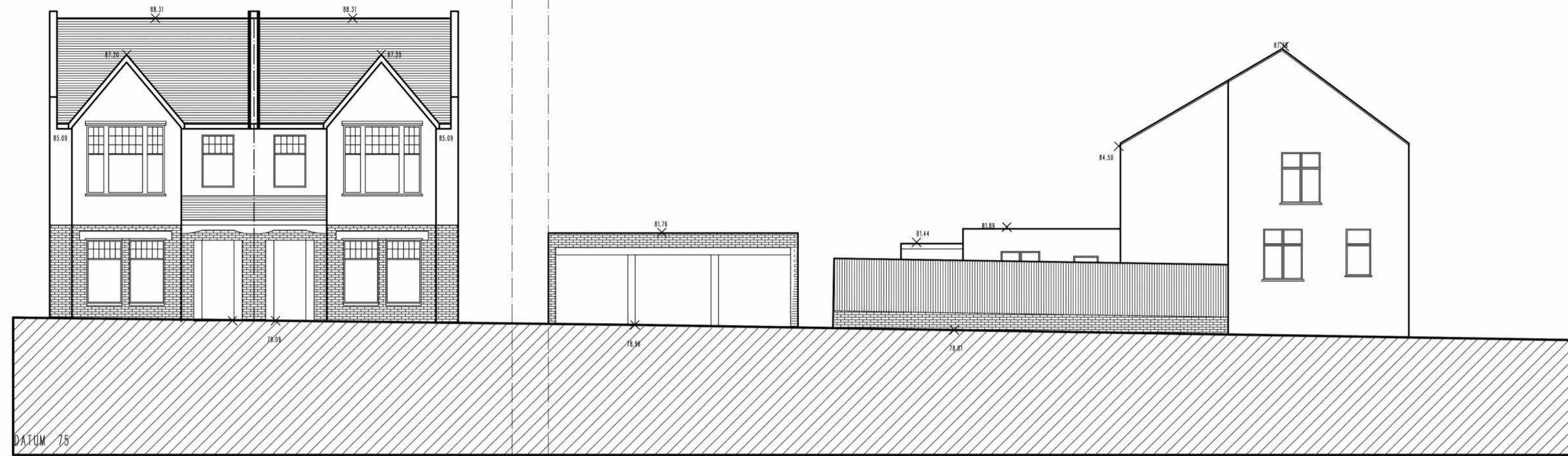
Site Address
**LAND TO THE ADJACENT TO
 157 ETCHINGHAM PARK
 ROAD N32EE**

Job Title
 DEMOLITION OF EXISTING GARAGES
 AND ERECTION OF DETACHED 1 BEDROOM HOUSE
 AND ADJUSTMENTS TO 2NO. EXG HOUSES

Drawing Title
**PROPOSED SITE PLANS
 (LANDSCAPING AND AMENITY)**
 Scale 1:100@A1 Date 01/20 Drawn by AJC

Alan Cox
 associates
 Architectural & Planning Consultants
 TEL: 020 - 8440 - 7777
 FAX: 020 - 8364 - 9556

Proj. No. 487519-3 Doc.



EXISTING STREET SCENE ALONG ETCHINGHAM PARK ROAD



PROPOSED STREET SCENE ALONG ETCHINGHAM PARK ROAD



No.	Date	By	Contents
Revisions			

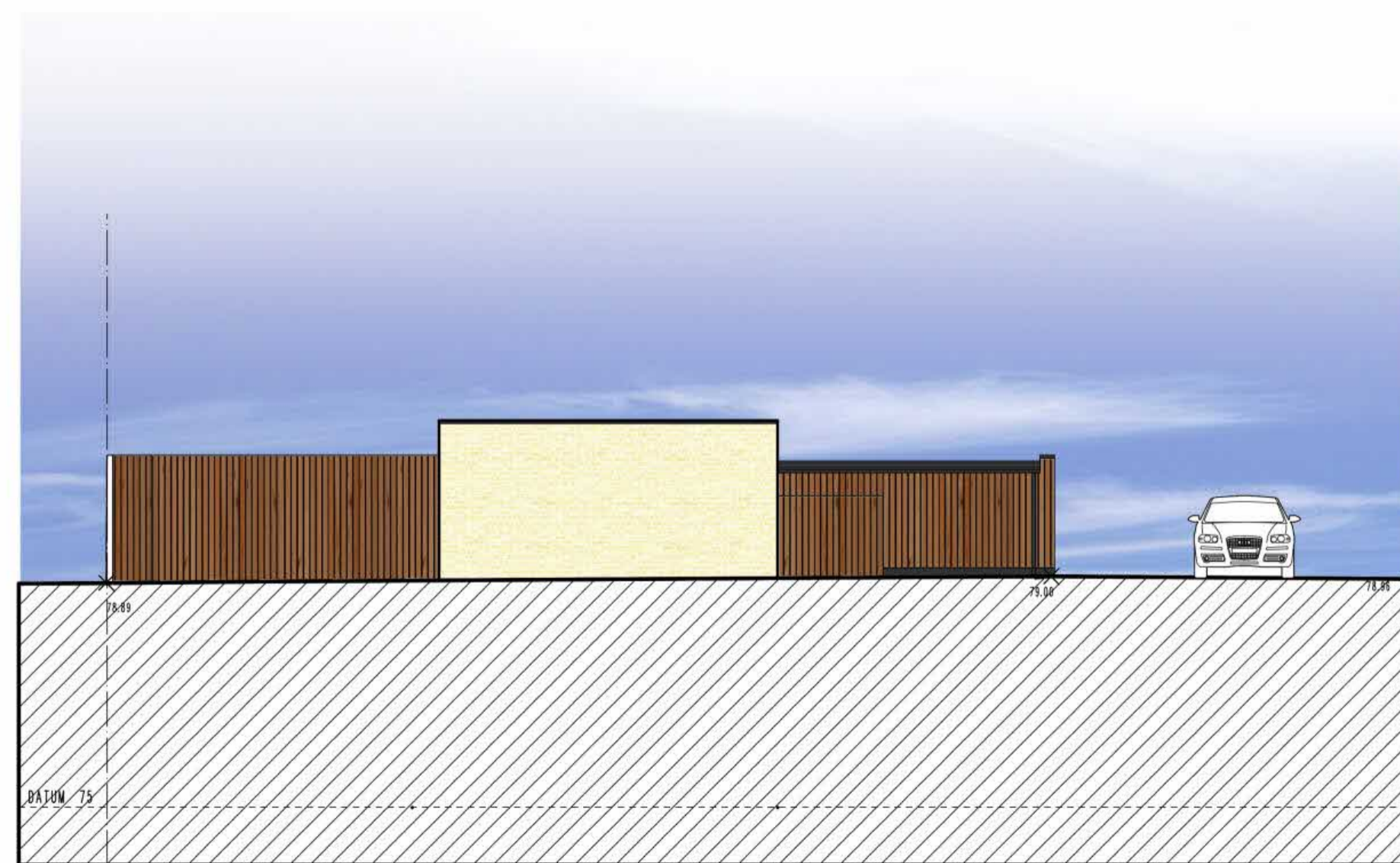
Site Address
**LAND TO THE ADJACENT TO
 157 ETCHINGHAM PARK
 ROAD N32EE**

Job Title
 DEMOLITION OF EXISTING GARAGES
 AND ERECTION OF DETACHED 1 BEDROOM HOUSE
 AND ADJUSTMENTS TO 2NO. EXG HOUSES

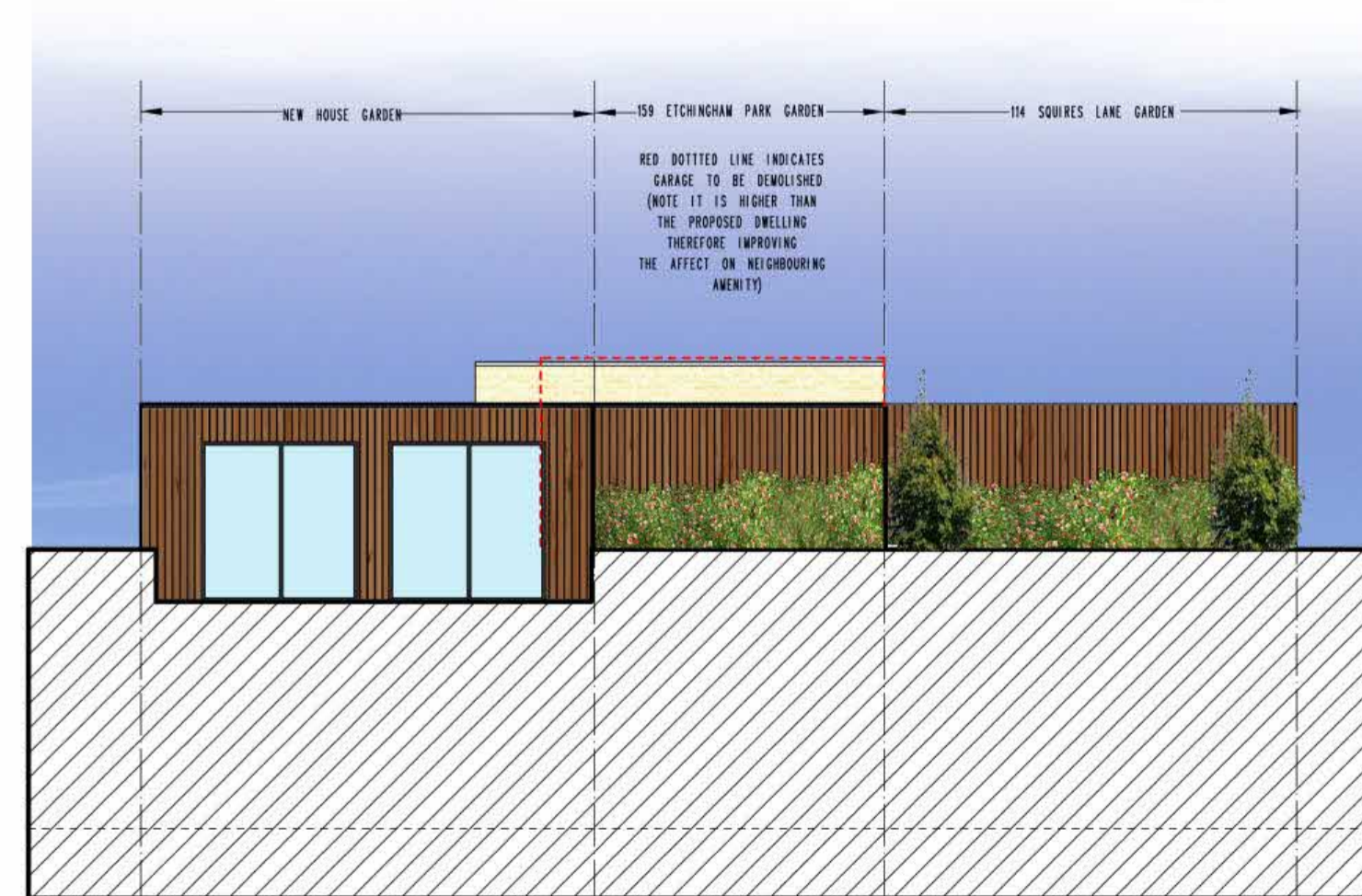
Drawing Title
**PROPOSED ELEVATIONS
 AND STREET SCENE COMPARISON**
 Scale 1:100@a1 Date 01/20 Drawn By AJC

Alan Cox
 associates
 Architectural & Planning Consultants
 TEL: 020 - 8440 - 7777
 FAX: 020 - 8364 - 9556

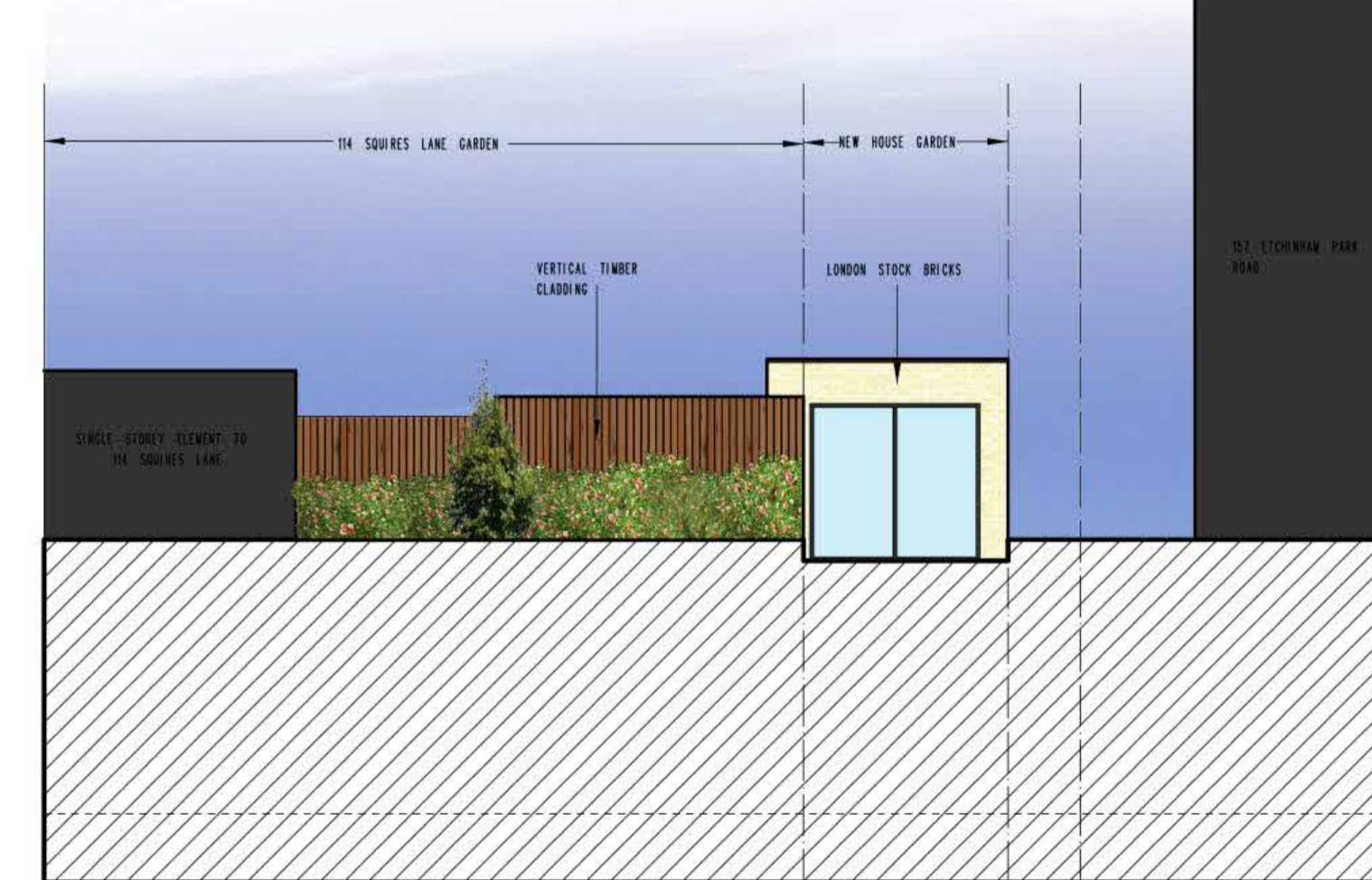
Obj.No 487519-5 Doc.



SIDE ELEVATION FACING 157 ETCHINGHAM PARK ROAD



SIDE ELVATION FACING SQUIRES LANE



REAR ELEVATION FACING 112 SQUIRES LANE

APPENDIX

'E'

Development Management & Building Control Service
Barnet House, 1255 High Road, Whetstone, N20 0EJ
Contact Number: 020 8359 2323

Mr Michael Neocleous

Application Number: **15/07153/FUL**

Neo Architects

Registered Date: 24 November 2015

8 The Drive

New Barnet

Hertfordshire

EN5 1DZ

TOWN AND COUNTRY PLANNING ACT 1990

GRANT OF PLANNING PERMISSION

TAKE NOTICE that the Barnet London Borough Council, in exercise of its powers as Local Planning Authority under the above Act, hereby:

GRANTS PLANNING PERMISSION for:

Construction of a two storey single dwelling involving ground floor and basement following the demolition of the existing garages and outhouses. Provisions for car parking, refuse, and amenity space

At: 61 Alan Drive (Land Adjacent To No. 59 Alan Drive), Barnet, EN5 2PW

as referred to in your application and shown on the accompanying plan(s):

Subject to the following condition(s):

- 1 The development hereby permitted shall be carried out in accordance with the following plans included with the application:
 - Site Plan - Drg No 0403_00_001
 - Proposed basement floor plan - Drg No 0403_00_003
 - Proposed roof plan - Drg No 0403_00_004
 - Proposed sections AA and BB - Drg No 0403_00_111
 - Proposed front and side elevations - Drg No 0403_00_101
 - Proposed ground floor plan - Drg No 0403_00_002
 - Proposed rear and side elevations - Drg No 0403_00_102

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 or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

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

Reason: In the interests of highway safety 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 April 2013) and Policy 5.21 of the London Plan (2015).

- 4 Prior to any works starting on site, further information on ground conditions and ground water levels should be submitted to establish how the soil will be stabilised during excavation and how ground water will be prevented from potentially entering the excavation and washing out soil to surrounding areas. Those details shall be submitted and agreed in writing by the Local Planning Authority before any works start on site. The development shall be implemented in accordance with the approved details and permanently retained in accordance with those details thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

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

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

- 6 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other

refuse storage containers where applicable, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 7 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 5.15 of the London Plan (2015).

- 8 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 25% in carbon dioxide emissions 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) and policies 5.2 and 5.3 of the London Plan (2015)

- 9 The premises shall be used for C3 use and for 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.

- 10 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development shall take place until details of parking and turning

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

b) The development shall be implemented and the parking spaces provided in full accordance with the information approved under this condition before the development is first occupied and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles in connection with the development.

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2015.

- 11 a) Before the development hereby permitted is first occupied the cycle parking shall be implemented in accordance with the details shown on the approved plan and retained as such thereafter.

Reason: To ensure cycle parking is provided in accordance with policy DM17 of the Adopted Barnet Development Management Policies DPD (2012) and the London Plan (2015).

- 12 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 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

- 13 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. 0403_00_002 (Proposed ground floor plan); shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

- 14 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 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

INFORMATIVE(S):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 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.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £2,870.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £11,070.00 payment under Barnet CIL.

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.

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf
2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.
3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

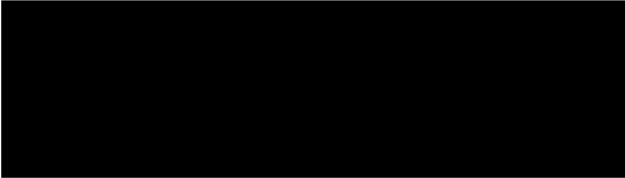
Please visit

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 3 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

Date of Decision: 25 January 2016

Signed:



Joe Henry
Assistant Director - Development Management & Building Control

NOTE(S):

1. Your attention is drawn to the attached Schedule which sets out the rights of an applicant who is aggrieved by a decision of the Local Planning Authority.
2. This Notice relates solely to a planning decision and does not purport to convey any approval or consent which may be required under the Building Regulations or any other statutory purpose.

For more information about making a Building Regulations application, please contact the Barnet Council Building Control team by email (building.control@barnet.gov.uk), telephone (0208 359 4500), or see our website at www.barnet.gov.uk/building-control

3. For information on Construction Site Guidelines for Householders and Developers, please visit <https://www.barnet.gov.uk/citizen-home/environmental-health/pollution/construction-information.html>
4. For details relating to Street naming and numbering, please visit <https://www.barnet.gov.uk/citizen-home/planning-conservation-and-building-control/building-control/street-naming-and-numbering.html>

APPEAL GUIDANCE:

Should you (an applicant or agent) feel aggrieved by the decision of the Council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Sections 78 and 195 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning with the date of the decision notice (unless an extended period has been agreed in writing with the Council):

- Six months: Full (excluding householder and minor commercial applications), listed building (including Certificate of Lawfulness in relation to a listed building), Section 73

'variation/removal', Section 73 'minor material amendment', extension of time and prior approval applications.

- 12 weeks: Householder planning, householder prior approval and minor commercial applications.
- 8 weeks: Advertisement consent applications
- No timescale: Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued, the appeal period may be significantly reduced, subject to the following criteria:

- Where the development proposed by your application is the same or substantially the same as development that is the subject of an enforcement notice served within the last two years you must appeal within 28 days of the date of the application decision
- Where an enforcement notice is served on or after the decision date on your application relating to the same or substantially the same land and development as in your application and if you want to appeal against the Council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective date stated on the Enforcement Notice.

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from www.planning-inspectorate.gov.uk or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the Council.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are exceptional special circumstances. The Secretary of State can refuse to consider an appeal if the Council could not have granted planning permission for the proposed development or could not have granted without the conditions it imposed, having regard to the statutory requirements and provision of the Development Order and to any direction given under the Order. In practice it is uncommon for the Secretary of State to refuse to consider appeals solely because the Council based its decision on a direction given by the Secretary of State.

PURCHASE NOTICES:

If either the Local Planning Authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render that land capable of a reasonable beneficial use by carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a Purchase Notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Location **61 Alan Drive (Land Adjacent To No. 59 Alan Drive) Barnet EN5 2PW**

Reference: **15/07153/FUL** Received: 24th November 2015
Accepted: 24th November 2015

Ward: Underhill Expiry 19th January 2016

Applicant: Mr Elias Neocleous

Proposal: Construction of a two storey single dwelling involving ground floor and basement following the demolition of the existing garages and outhouses. Provisions for car parking, refuse, and amenity space

Recommendation: Approve subject to conditions

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

- Site Plan - Drg No 0403_00_001
- Proposed basement floor plan - Drg No 0403_00_003
- Proposed roof plan - Drg No 0403_00_004
- Proposed sections AA and BB - Drg No 0403_00_111
- Proposed front and side elevations - Drg No 0403_00_101
- Proposed ground floor plan - Drg No 0403_00_002
- Proposed rear and side elevations - Drg No 0403_00_102

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 or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

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

Reason: In the interests of highway safety 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 April 2013) and Policy 5.21 of the London Plan (2015).

- 4 Prior to any works starting on site, further information on ground conditions and ground water levels should be submitted to establish how the soil will be stabilised during excavation and how ground water will be prevented from potentially entering the excavation and washing out soil to surrounding areas. Those details shall be submitted and agreed in writing by the Local Planning Authority before any works start on site.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

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

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

- 6 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 7 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 5.15 of the London Plan (2015).

- 8 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 25% in carbon dioxide emissions 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) and policies 5.2 and 5.3 of the London Plan (2015)

- 9 The premises shall be used for C3 use and for 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.

- 10 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development shall take place until details of parking and turning spaces have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented and the parking spaces provided in full accordance with the information approved under this condition before the development is first occupied and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles in connection with the development.

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2015.

- 11 a) Before the development hereby permitted is first occupied the cycle parking shall be implemented in accordance with the details shown on the approved plan and retained as such thereafter.

Reason: To ensure cycle parking is provided in accordance with policy DM17 of the Adopted Barnet Development Management Policies DPD (2012) and the London Plan (2015).

- 12 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 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

- 13 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. 0403_00_002 (Proposed ground floor plan); shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

- 14 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 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 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.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £2,870.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £11,070.00 payment under Barnet CIL.

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.

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 3 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

Officer's Assessment

1. Site Description

The application site is located at 61 Alan Drive, Barnet, EN5 2PW. The site currently contains a number of single storey outbuildings. The site is narrow at its frontage with Alan Drive, having a width of approximately 4.5 metres. The site widens towards its rear where it has a width of approximately 8.6 metres. The length of the site is approximately 34.5 metres. The site is not subject to any planning restrictions. Green belt land is located adjacent to the site to the southeast.

2. Site History

Reference: 15/00510/FUL

Address: 61 Alan Drive, Barnet, EN5 2PW

Decision: Refused

Decision Date: 26 March 2015

Description: Erection of a two storey dwelling house following demolition of existing garages

3. Proposal

This application seeks approval to construct a two storey dwelling involving ground floor and basement following the demolition of the existing outbuildings. The application also includes provisions for car parking, refuse, and amenity space.

It is noted that planning application 15/00510/FUL for the erection of a two storey dwelling house on the site was refused on 26 March 2015. This scheme was refused because it was considered that the proposed dwelling, by reason of its design, appearance, siting and scale, would appear incongruous and discordant within the street scene and cramped within its plot. It was also considered that the building did not respect the design, appearance, siting or scale of surrounding buildings, spaces or streets and would be detrimental to the character and appearance of the street scene and the wider locality.

4. Public Consultation

Consultation letters were sent to 37 neighbouring properties. Twelve letters of objection have been received in regard to this application.

The objection letters are summarised below:

- The building would not fit within the character of the street scene or surrounding buildings
- The building would appear cramped on its plot
- Excavation for the basement and general construction will cause inconvenience and stress for neighbours
- The proposed excavation may cause sewerage, drainage and subsidence issues for neighbouring properties
- The building will not provide an appropriate level of accommodation
- A new dwelling will be detrimental to the drainage/sewerage system in this area which is at its limit
- The dwelling will add to parking pressure on the street as insufficient off-street parking has been provided

- The proposed excavation may impact surrounding trees
 - A shed on the site contains asbestos. The risks surrounding its removal has not been described in the application
 - Contractors vehicles will block the road
 - Trees proposed in the rear of the site will grow and reduce natural light for neighbours
 - 61 Alan Drive is not a current plot. Using this address creates an impression that a house has existed on this site in the past
 - Infill development is a common occurrence in this area which is resulting in over-development
 - This area is prone to flooding
 - The development would result in a loss of wildlife habitat
 - The open light-well and sunken terrace are contrary to planning policy and do not provide for ventilation or crime prevention measures
 - The development would result in light-spill to the detriment of neighbouring properties
 - Inappropriate access has been provided to the rear of the site for cycle storage
 - The light wells present security risks, allowing people to gain access to the property
 - The proximity of the car park to the light well would generate noise and air pollution for occupiers
 - Construction work hours, site traffic management controls, parking and cleaning measures need to be considered
 - Heritage values of existing buildings on the site need to be considered, in particular, the old pump house
- This application has also been assessed by the Council's Traffic and Development Department who have not raised any objection to the proposed development.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was published on 27 March 2012. 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, is indivisible from good planning, and should contribute positively to making places better for people'. 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.

Paragraphs 87 - 89 of the NPPF sets out that a Local Planning Authority should regard the construction of new buildings as inappropriate in the green belt. Inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances.

The Mayor's London Plan 2015

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 to 2050. 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.

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 and CS7.
- Relevant Development Management Policies: DM01, DM02, DM08, DM15 and DM17.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

This SPD sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

The SPD states that new developments should normally be subordinate to the original house, respect the original building, should not be overly dominant, and be consistent in regard to the form, scale and architectural style of the original building.

In respect to amenity, this SPD states that developments should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

5.2 Main issues for consideration

The main issues for consideration in this case are:

1. Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality
2. Whether harm would be caused to the living conditions of neighbouring residents
3. Whether the proposed building would provide a suitable level of accommodation for potential occupiers
4. Whether harm would be caused to the public highway
5. Whether harm would be caused to trees

5.3 Assessment of proposals

1. Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

As described above, the application site presents restrictions for any building works. It is narrow and long and widens at its rear. A number of single storey, predominantly flat-roofed buildings are currently located on the application site. Alan Drive largely consists of terraced two storey blocks finished in facing brick, as well as pebbledash and white render. These buildings have a consistent front building line and a generally undisturbed rear building line. Semi-detached buildings on larger plots are located in the wider vicinity of the application site.

The proposed dwelling would be of a contemporary design which differs to the design and appearance of other dwellings along Alan Drive. In particular, the proposed dwelling would be single storey and have a flat roof and two large slimline rooflights. Further, the development would integrate a front light well and a sunken terrace to the rear. The Council's Residential Design Guidance SPD states that contemporary design may be appropriate provided it has regard to the local context. Further, this SPD states that respecting local character does not necessarily mean replicating it, however, 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.

In this instance, it is considered that the proposed building has regard to the local context and that appropriate care has been taken incorporating it into the existing urban fabric. In particular, it is noted that the site currently contains a number of single storey flat roofed buildings. The proposed building will be single storey and the proposed rooflights will be low profile. As such, the building will not result in any material change to the bulk of built elements on the site when viewed from Alan Drive. Further, it is noted that timber cladding and a white render finish has been incorporated into the design of the building which will resemble the finish of other dwellings located along Alan Drive. Additionally, it is noted that the proposed site layout will maintain an open frontage with a car parking space as per the layout of surrounding dwellings. The frontage of the proposed building is set back from Alan Drive and will be on the same building line as other dwellings located along the eastern side of Alan Drive. Although the dwelling would fill the width of the plot, it is not considered that this would compromise the character of the area given the prevalence of terraced dwellings along Alan Drive.

It is noted that the Council's Residential Design Guidance SPD states that open light wells and sunken terraces will be resisted. Front light wells need to appear discreet. Where light wells are not part of the established street scene, sensitively designed light wells buffered by the front garden may be acceptable. Any railings, grilles and other light-well treatments should avoid creating visual clutter and not detract from an existing front boundary wall, or obscure front windows. In this instance it is noted that the front light well will be screened from the street by planting. Further, railings flush with the ground will be installed over the light well. It is not considered that these railings would result in visual clutter or detract from any windows or walls as they will be obscured by the proposed front plantings. The sunken terrace at the rear of the building is considered necessary in this instance to provide a sufficient level of natural light and outlook for occupiers of the dwelling. It is not considered that the scale or siting of this terrace at the rear of the site will cause any harm to the character of the street or wider area.

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

It is not considered that the proposed building would harm the living conditions of neighbouring residents. This determination is made in recognition of the scale and siting of the dwelling. In particular, the dwelling is single storey in height and has a low profile appearance when viewed from neighbouring properties. A 2 metre high fence would be located along the boundaries of the application site. Plans included with the application indicate that the proposed dwelling will project only 700 millimetres above this fence. As such, it is not considered that the building would result in a loss of light, outlook or privacy for adjoining occupiers.

It is noted that the building will be used as a single family dwelling only. As such, it is anticipated that the comings and goings associated with the dwelling will not be different to that of other dwelling in the surrounding area and will not result in any material harm to adjoining neighbours.

The Council's Residential Design Guidance SPD states that open light wells may also cause nuisance to neighbouring properties through their illumination and light-spill. In this instance it is not considered that the proposed light well or rear terrace would result in any light spill that would harm the amenity of adjoining occupiers. This determination is based on the size and siting of the proposed light well and rear terrace. The light well at the front of the building is limited in size and of a sufficient distance from any windows on adjoining dwellings. The rear terrace is located approximately 3 metres below ground level and a 2 metre high boundary fence would separate the application site from adjoining properties. It is not considered that any light generated from this rear terrace area will be of a sufficient strength to impact neighbouring amenity given the depth of the terrace and the height of the boundary fence.

3. Whether the proposed building would provide a suitable level of accommodation for potential occupiers

The proposed building meets those internal and outdoor amenity space standards as required under the Council's Sustainable Design and Construction SPD and the Mayors Housing SPG. Plans included with the application indicate provision for refuse and cycle storage.

It is noted that all of the bedrooms associated with the proposed dwelling will be located at basement level. Careful consideration has been given to the ability for this basement to provide suitable levels of natural light and outlook for these bedrooms. It is noted in regard to this matter that each basement bedroom is associated with a sunken terrace area at the front or rear of the dwelling. It is considered that these terrace areas provide the bedrooms with a sufficient level of outlook and natural light. It is noted that plantings are also proposed within these terraced areas in order to soften the outlook. It is also considered that outlook at the ground floor level would be sufficient in this instance given the large rear amenity area.

4. Whether harm would be caused to the public highway

This application has been assessed by the Council's Traffic and Development Department who have not raised any concerns in regard to this application. Plans indicate that one off-street parking space will be provided for the dwelling. No concerns regarding the location or number of parking spaces provided have been raised by Traffic and Development Department staff.

5. Whether harm would be cause to trees

The application site is not located within a Tree Preservation Order (TPO) area and there are no individual trees on the application site or within the vicinity of the application site. It is noted that there are established trees on adjoining properties. However, these trees are located approximately 10 metres from the boundary of the rearmost extent of the proposed basement.

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. Response to public consultation

A number of those matters raised in the letters of objection have been addressed above and will not be revisited in this section.

Conditions have been recommended which limit hours of construction and concerning construction management.

In regard to construction vehicles, a condition has been recommended which restricts construction vehicles blocking the public highway.

In regard to subsidence and drainage management, a condition has been recommended which requires the applicant to submit further information relating to ground conditions, ground water levels, soil stabilisation and ground water flow control prior to any works starting on the site.

The impact of landscaping on neighbouring occupiers in the future is not a planning matter.

The address of 61 Alan Drive has been used to describe this site under previous applications. It has been used again in this instance to maintain consistency.

The application is not indicated as being located within a food zone.

It is not considered that development on the site would result in a loss of habitat.

It is noted that occupiers of the dwelling would be required to bring cycles through the dwelling from the rear of the site. However, it is not considered that this would result in adverse harm to the occupiers of the dwelling.

It is not considered that one car using the front car park would result in adverse harm to occupiers of the dwelling as a result of fumes or noise to such an extent that would result in adverse harm to the occupiers of the dwelling.

The Council does not hold any information to suggest that there are any heritage items on the application site which require protection or further assessment.

Any demolition of buildings which contain asbestos on the application site will need to be treated in accordance with the necessary standards. However, this is not a planning matter.

8. Conclusion

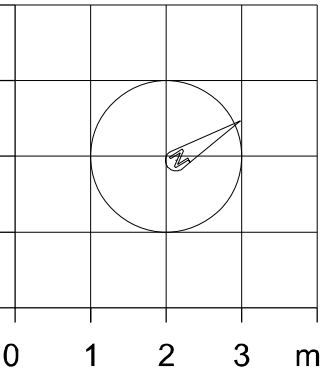
Having taken all material matters into account, it is considered that the proposed building is a suitable form of development. This application is therefore recommended for approval.

Site Plan

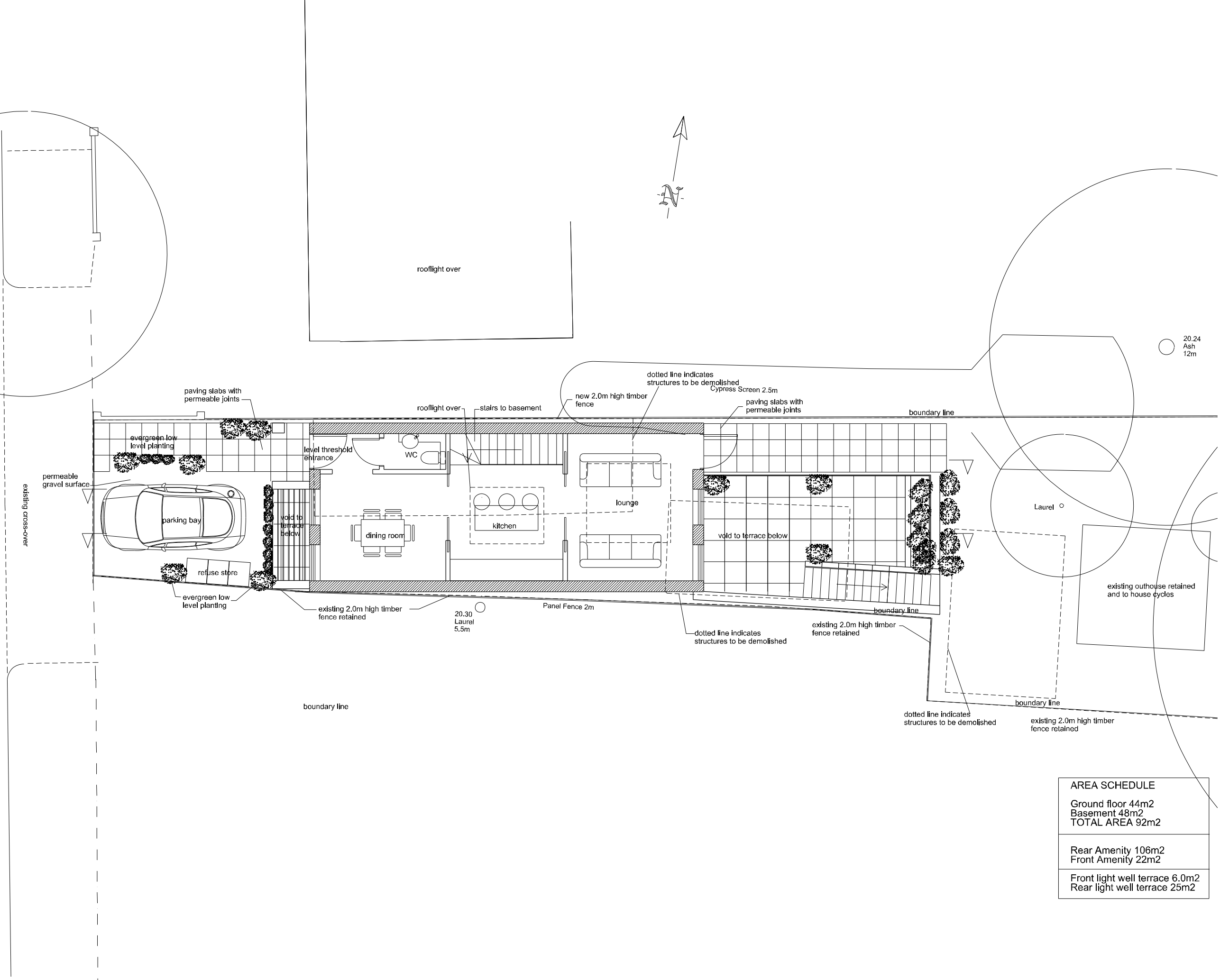




ARCHITECTS



ALAN DRIVE



Revision

Project Title
61 Alan Drive
Barnet EN5 2PW

Drawing Title
New 2 bedroom Dwelling

Proposed ground floor plan

Client
Elias Neocleous

Scale
1:100@A3

Date
Oct 2015

Drg. No.
0403_00_002

Notes

All dimensions must be checked and NEO Architects are to be informed of any discrepancies prior to construction. This drawing and any of the details therein remain the copyright of NEO Architects.

NEO Architects
8 The Drive
New Barnet
EN5 1DZ

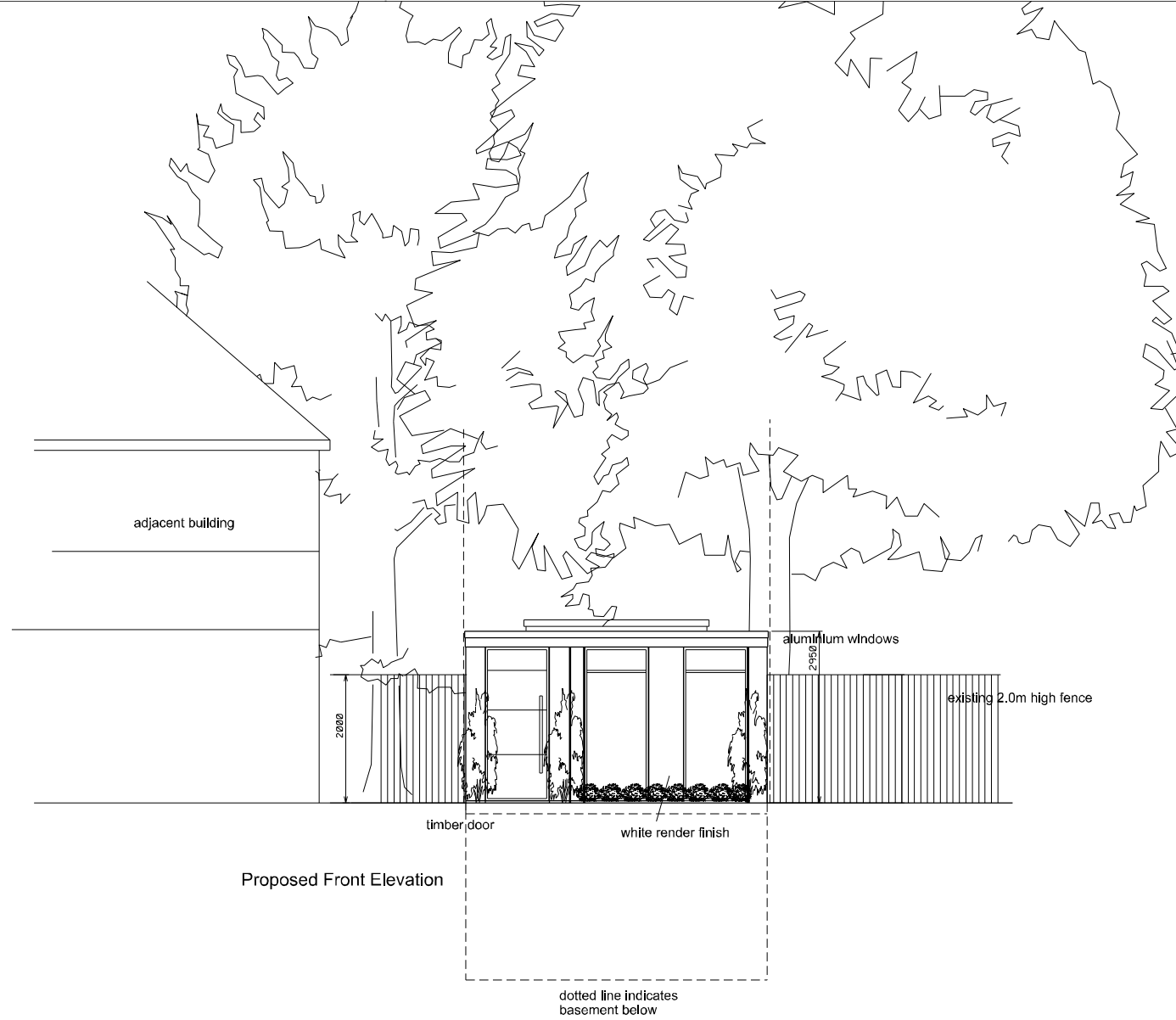
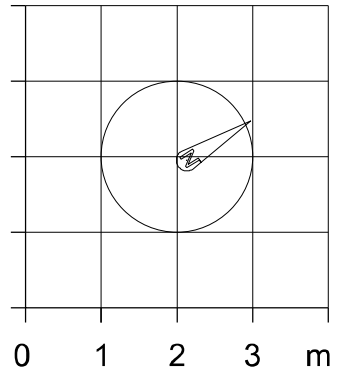
Phone +44 (0) 20 82750935
Mobile 07802 237666

michael@neoarchitects.co.uk

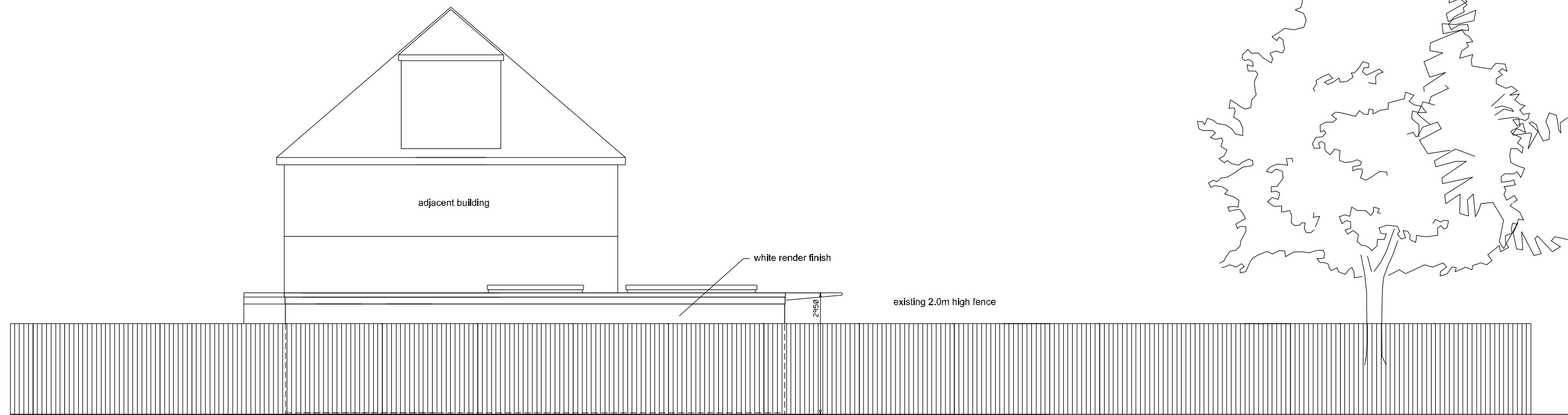
AREA SCHEDULE
Ground floor 44m2 Basement 48m2 TOTAL AREA 92m2
Rear Amenity 106m2 Front Amenity 22m2
Front light well terrace 6.0m2 Rear light well terrace 25m2



▲ ARCHITECTS



Proposed Front Elevation



Proposed Side Elevation

Revision

Project Title
61 Alan Drive
Barnet EN5 2PW

Drawing Title
New 2 bedroom Dwelling

Proposed Front and Side Elevations

Client
Elias Neocleous

Scale
1:100@A3

Date
Oct 2015

Drg. No.
0403_00_101

Notes

All dimensions must be checked and NEO Architects are to be informed of any discrepancies prior to construction. This drawing and any of the details therein remain the copyright of NEO Architects.

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michael@neoarchitects.co.uk

APPENDIX

'F'

Planning and Building Control
2 Bristol Avenue, Colindale, London, NW9 4EW
Contact Number:

Guy Walker
New Olives
High Street
Maresfiel
Uckfield
TN22 1QE

Application Number: **21/2330/FUL**
Registered Date: 28 April 2021

TOWN AND COUNTRY PLANNING ACT 1990

GRANT OF PLANNING PERMISSION

TAKE NOTICE that the Barnet London Borough Council, in exercise of its powers as Local Planning Authority under the above Act, hereby:

GRANTS PLANNING PERMISSION for:

Two storey detached single family dwellinghouse with associated amenity space, refuse and cycle storage and car parking

At: Land To Rear Of 43 Henry Road, Barnet, EN4 8BG

as referred to in your application and shown on the accompanying plan(s):

Subject to the following condition(s):

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan P000
 - Existing ground floor E01
 - Existing Elevations E03, E04
 - Proposed ground floor plan P00 D
 - Proposed first floor plan P01 A
 - Proposed roof plan P02 A
 - Proposed rear and front elevation P03 A
 - Proposed side elevations P04 B
 - Proposed Block Plan P05 A
 - Vehicle tracking SK02 A
 - Energy Strategy March 2021
 - Daylight, Sunlight and Overshadowing Report December 2020
 - Planning Statement prepared by Planning Potential
 - Sustainability statement March 2021

- Design and Access Statement April 2021

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

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

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

- 3 a) Notwithstanding the details shown on the plans No development other than demolition works shall take place until sample 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 GG1, D1, D5, D6, D8 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) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 6 Before the buildings hereby permitted are first occupied the proposed window(s) within the first floor elevation facing 43 Henry and elevation facing 109 Lancaster 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).

- 7 The use of the garage hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit or dwelling.

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 8 a) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

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

Reason: In the interests of highway safety 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 April 2013) and Policies SI 1, SI 7, D14 and T7 of the London Plan 2021.

- 9 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

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

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

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

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

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

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

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

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

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

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

- 13 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,D,and E of Part 1 of Schedule 2 of that Order shall be carried out within the area of new dwellings hereby approved.

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

- 14 Prior to occupation of the development, the proposed parking space and the access to the parking area from public highway shall be provided in accordance with approved plan P00 D. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason

To ensure that 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.

- 15 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 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 16 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 19.8 % in carbon dioxide emissions 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), Policy SI2 of the London Plan 2021 and the 2016 Mayors Housing SPG.

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

Reason

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

- 19 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 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, 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).

INFORMATIVE(S):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 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.

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 adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

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.

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf
2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.
3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Please visit

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 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 or by telephoning 0208 359 4500.

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

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

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

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

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

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

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

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

Date of Decision: 16 June 2022

Signed:



Fabien Gaudin
Service Director – Planning and Building Control

NOTE(S):

1. Your attention is drawn to the attached Schedule which sets out the rights of an applicant who is aggrieved by a decision of the Local Planning Authority.
2. This Notice relates solely to a planning decision and does not purport to convey any approval or consent which may be required under the Building Regulations or any other statutory purpose.

For more information about making a Building Regulations application, please contact the Barnet Council Building Control team by email (building.control@barnet.gov.uk), telephone (0208 359 4500), or see our website at www.barnet.gov.uk/building-control

3. For information on Construction Site Guidelines for Householders and Developers, please visit <https://www.barnet.gov.uk/citizen-home/environmental-health/pollution/construction-information.html>
4. For details relating to Street naming and numbering, please visit <https://www.barnet.gov.uk/citizen-home/planning-conservation-and-building-control/building-control/street-naming-and-numbering.html>

APPEAL GUIDANCE:

Should you (an applicant or agent) feel aggrieved by the decision of the Council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Sections 78 and 195 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning with the date of the decision notice (unless an extended period has been agreed in writing with the Council):

- Six months: Full (excluding householder and minor commercial applications), listed building (including Certificate of Lawfulness in relation to a listed building), Section 73 'variation/removal', Section 73 'minor material amendment', extension of time and prior approval applications.
- 12 weeks: Householder planning, householder prior approval and minor commercial applications.
- 8 weeks: Advertisement consent applications
- No timescale: Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued, the appeal period may be significantly reduced, subject to the following criteria:

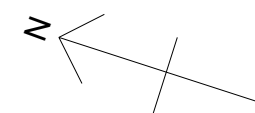
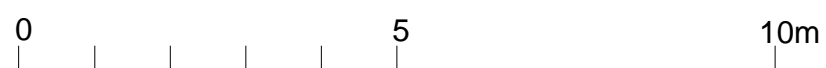
- Where the development proposed by your application is the same or substantially the same as development that is the subject of an enforcement notice served within the last two years you must appeal within 28 days of the date of the application decision
- Where an enforcement notice is served on or after the decision date on your application relating to the same or substantially the same land and development as in your application and if you want to appeal against the Council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective date stated on the Enforcement Notice.

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from www.planning-inspectorate.gov.uk or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the Council.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are exceptional special circumstances. The Secretary of State can refuse to consider an appeal if the Council could not have granted planning permission for the proposed development or could not have granted without the conditions it imposed, having regard to the statutory requirements and provision of the Development Order and to any direction given under the Order. In practice it is uncommon for the Secretary of State to refuse to consider appeals solely because the Council based its decision on a direction given by the Secretary of State.

PURCHASE NOTICES:

If either the Local Planning Authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render that land capable of a reasonable beneficial use by carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a Purchase Notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.



LANCASTER ROAD

- Rev. D Cross over amended 19-08-2021
- Rev. C Heat Pump Location added 07-07-2021
- Rev. B Alterations following design officer comments 07-06-2021
- Rev. A Pedestrian access and car access seperated at the boundary Cross over added 04-06-2021

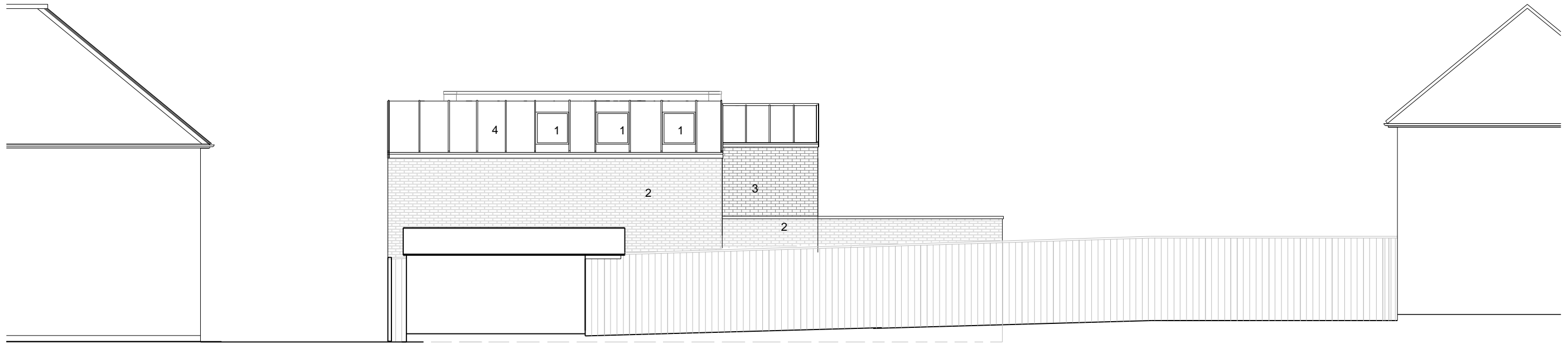
<u>Proposed House</u>	<u>Barnet Requirments</u>
114sq.m (1227sq.ft) GIA	6 Person House
76sq.m Private Garden	Min. Area 106sq.m
	Amenity Space 70sq.m
	81

project title	Henry Road Barnet
drawing title	Proposed Ground Plan

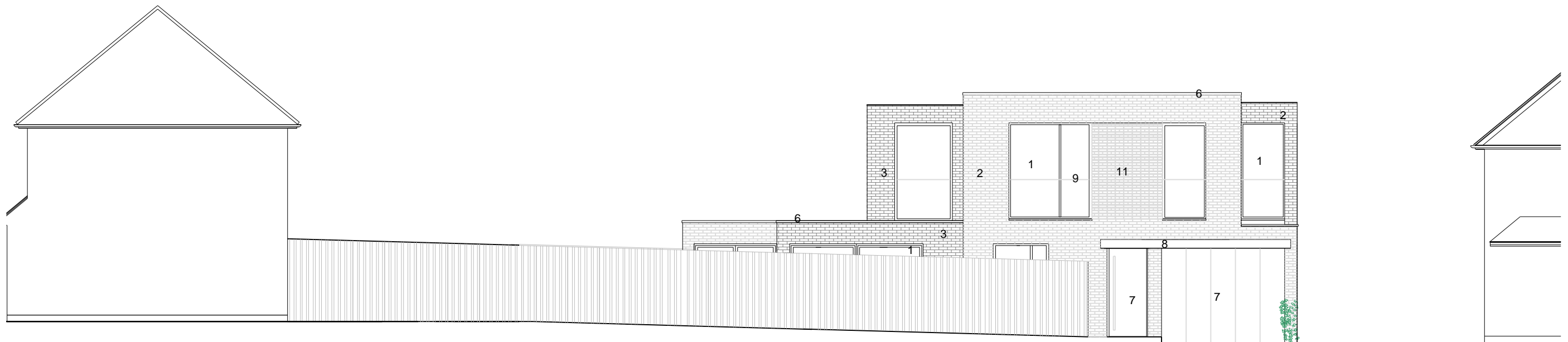
date	2-21	project no.	2022
scale	1:100@A3	drawing no.	P00
status	Planning	revision no.	D

Guy Walker Architects
 New Olives
 High Street, Uckfield
 East Sussex
 TN22 1QE
 Tel: 0779 9061715

General Notes
 This drawing is to be used for its status purpose only



East Elevation



West Elevation

Material Key

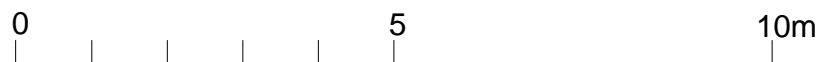
- 1. Powdercoated Composite Windows
- 2. Brick Type 1
- 3. Brick Type 2
- 4. Metal Sheet Roofing
- 5. Obscure Glass
- 6. Powdercoated Metal Coping
- 7. Composite door
- 8. Powdercoated Channel
- 9. Glass Balustrade
- 10. Timber Slatted Panel
- 11. Feature Brickwork

Rev. A Elevations amended following design officer comments 9-06-2021

project title	Henry Road Barnet
drawing title	Proposed Rear & Front Elevation

date	2-21	project no.	2022
scale	1:100@A3	drawing no.	P03
status	Planning	revision no.	A

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General Notes
 This drawing is to be used for its status purpose only