

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 4th February 2015

Report of

Assistant Director, Planning,
Highways & Transportation

Contact Officer:

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Ward:

Southgate Green

Ref: 14/03614/FUL

Category: Full Application

LOCATION: Land Adjacent To 2 The Mall , London, N13 4AU

PROPOSAL: Redevelopment of site by the erection of a two storey 3-bedroom dwelling involving demolition of existing garages.

Applicant Name & Address:

Mr Palazzetti
c/o agent
United Kingdom

Agent Name & Address:

Miss Timea Nacsá
14 Regents Wharf
All Saints Street
London
N1 9RL

RECOMMENDATION: That planning permission be **GRANTED** subject to conditions.

Note for Members: This application would normally be dealt with under delegated powers but it is referred to Planning Committee for consideration at the request of Councillor Anderson due to local objection.

Ref: 14/03614/FUL LOCATION: Land Adjacent To 2 The Mall , London, N13 4AU,



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North



1 Site and Surroundings

1.1 The site originally formed part of the curtilage of No.149 Fox Lane and was previously occupied by a single storey garage. It is located adjacent to 2 The Mall and is approximately 0.023 ha in size. The site is within a residential area, featuring a number of Edwardian dwellings including 149 Fox Lane, a three storey dwelling built in an Edwardian style to the east and 2 The Mall adjacent to the west. The rear garden of 147 Fox Lane is to the south of the site. The Mall features both single fronted and double fronted Edwardian houses in various architectural designs.

1.2 Some trees and the single storey garage have now been removed from the site. Neither required the prior consent of the Local Planning Authority.

2.0 Proposal

2.1 The proposal is for the erection of a detached 3 bedroom Edwardian style house with associated amenity at the rear and a single car parking space. All access to the property would be from The Mall.

3.0 Relevant Planning Decisions

3.1 The last known relevant planning decision relating to this plot of land was in the 1960s. A wall was approved along the flank boundary.

4.0 Consultations

4.1 Statutory and non-statutory consultees

4.1.1 Tree Officer

No objection raised in regards to the removal of the trees on the site and there would be no harm to third party trees as a result of the proposal. It is acknowledged that there is a Lime Tree on the public highway. This would not be affected by the proposed development, given the vehicle crossing is to be re-sited away from this tree.

4.1.2 Traffic and Transportation

No objection raised subject to conditions and informatives. These have been detailed below.

4.1.3 Thames Water

No objection raised subject to the standard informatives.

4.2 Public response

4.2.1 Letters were sent to 11 adjoining and nearby residents. As a result 7 responses have been received and these raise the following objections:

- Close to adjoining properties
- Development too high
- General dislike of proposal
- Loss of light

- Loss of parking
- Loss of privacy
- More open space needed on development
- Noise nuisance
- Out of keeping with character of area
- Over development
- Strain on existing community facilities
- Cramped form of development
- Traffic
- Construction issues
- Over development
- Implications with the junction with The Mall and Fox Lane
- Loss of trees
- Garage has already been demolished
- Trees have been removed
- The site is too small
- Issues with how the proposal has been addressed
- The depth of the amenity is not acceptable
- Impact to residential amenity
- Impact to visual amenity
- Issues in regards to sight lines

4.2.2 Petition

Two petitions objecting to the application have been received. One petition had 56 signatures. The other petition had 7 signatures.

4.2.3 Fox Lane Association

The Fox Lane Association has raised the same concerns as the surrounding neighbours.

5.0 **Relevant Policy**

5.1 The London Plan

- 3.1 Ensuring equal life chances for all
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children's and young peoples play and informal recreation facilities
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 3.13 Affordable housing thresholds
- 3.14 Existing housing
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 6.9 Cycling
- 6.11 Smoothing traffic flow and tackling congestion
- 6.13 Parking

- 7.4 Local character
- 7.6 Architecture
- 7.19 Biodiversity & access to nature

5.2 Core Strategy

- CP2: Housing supply and locations for new homes
- CP3: Affordable housing
- CP4: Housing quality
- CP5: Housing types
- CP20 Sustainable energy use and energy infrastructure
- CP21: Delivering sustainable water supply, drainage and sewerage infrastructure
- CP24: The road network
- CP30: Maintaining and enhancing the built environment
- CP36: Biodiversity
- CP46: Infrastructure contributions

5.3 Development Management Document

- DMD2 Affordable Housing for Developments of less than 10 units
- DMD3 Providing a Mix of Different Sized Homes
- DMD6 Residential Character
- DMD7 Development of Garden Land
- DMD8 General Standards for New Residential Development
- DMD9 Amenity Space
- DMD10 Distancing
- DMD37 Achieving High Quality and Design-Led Development
- DMD38 Design Process
- DMD45 Parking Standards and Layout

5.4 Other Relevant Policy

- NPPF
- Section 106 Supplementary Planning Document
- NPPG
- Housing SPG

6.0 Analysis

6.1 Principle

- 6.1.1 The site is situated to the rear of 149 Fox Lane and formed part of its garden area, accommodating a garage. Policy DMD7 seeks to protect and enhance the positive contribution gardens make to the character of the Borough. The policy advises that development on garden land will only be permitted if all of the following criteria are met:

- a. The development does not harm the character of the area;
- b. Increased density is appropriate taking into account the site context in terms of its location, accessibility and the provision of local infrastructure;
- c. The original plot is of a sufficient size to allow for additional dwellings which meets the standards in DMD 8 'General Standards for New Residential Development' (and other design policies);
- d. The individual plot sizes, orientation and layout created are appropriate to, and would not adversely impact on the residential amenity within the development, or the existing pattern of development in that locality;
- e. An adequate amount of garden space is retained within both of the individual plots in accordance with the minimum amenity space standards (DMD9'Amenity Space'), and the role of each space is enhanced to contribute towards other plan objectives such as biodiversity, green corridors and networks; flood risk; climate change; local context and character; and play space;
- f. The proposals would provide appropriate access to the public highway.

6..1.2 It is considered for that reasons set out below that the proposal would comply with this policy, insofar that the proposal fits within an existing pattern of development, amenity, distancing and parking requirements are met and the development represents a sustainable use of the land. Further, the proposal would be compatible with Policies 3.3 and 7.5 of the London Plan and Core Policy 2 of the Local Development Framework insofar as it provides an addition to the Borough's housing stock which actively contributes towards both Borough specific and London-wide strategic housing targets. Accordingly, the principle of the erection of a detached dwelling on this site is considered acceptable. However, this position must be qualified in relation to other material considerations including: achieving an appropriate residential mix in keeping with the character of the area; adequate internal floor space and layout; servicing; parking provision and residential amenity.

6.2 Impact on Character of Surrounding Area

- 6.2.1 The proposal would be detached with a double frontage which is similar to the proportions of the semi-detached properties along the road, with a width of 9.5m. The dwelling house would have the same eaves height and ridge height as 2 The Mall. In regards to bulk and massing, the proposal would be acceptable as it is similar to those in its surroundings.
- 6.2.2 The design of the proposed family house would be consistent with existing dwelling houses within the area. The proposal would have bay windows, gables and decorative timberwork. Such features are acceptable. Details of finishing materials can be secured by way of a condition.
- 6.2.3 The proposal would result in a new dwelling house adjoining 2 The Mall with a 1.5m separation distance between the dwellings to maintain the detached nature of 2 The Mall. This separation distance is deemed to be acceptable as the majority of separation distances along The Mall are much narrower. The separation distance between the existing dwelling at No. 149 Fox Lane and the flank elevation of the proposed house is 11m, which complies with the requirements of the DMD.

6.3 Housing Mix and Floorspace

6.3.1 The most recent Borough housing needs assessment demonstrates that whilst there is a need for all sizes of unit, that need is greatest for larger dwellings, particularly three and four bed houses. Additionally, The National Planning Policy Framework focuses on the delivery of housing including the provision of larger family units. The proposal is for one three bedroom dwelling house for which there is a need within the Borough. Therefore, the proposal adheres to the identified housing needs of the Borough and thus complies with Policy 5 of the Core Strategy, as well as DMD5 of the Development Management Document.

6.3.2 The London Plan now contains minimum standards for the size of new residential accommodation that replaces the Councils Supplementary Planning Guidance. Below is a table showing the comparison of the proposed scheme and the minimum floor area required by the London Plan

House	Type	GIA (based on measurement of plans) (sq m)	GIA – London Plan 2011 (sq m)
1	3b4p	100	87

6.3.3 The proposed dwelling would exceed the minimum floor space standards and therefore is acceptable. The proposal would comply with policy 3.5 of the London Plan (including REMA), CP4 of the Core Strategy, DMD8 of the Development Management Document, The Mayor of London Housing Supplementary Planning Guidance as well as the NPPF.

6.4 Amenity Space Provision

6.4.1 Amenity space provision is provided for the dwelling at 95 sq.m and this exceeds DMD requirements. It should also be noted that there is sufficient amenity space remaining for the existing dwelling at 149 Fox Lane having regard to Policy DMD 9 of the Development Management Document. A condition is recommended to require details of landscaping of the garden area to ensure an appropriate setting and enhance the biodiversity of the site.

6.3 Impact on Neighbouring Properties

6.3.1 A 45 degree line and a 30 degree line has been drawn from the mid- point of the ground floor and first floor window at 2 The Mall and there is no breach of either line. It will be noted that due to the set- back relative to the rear elevation of 2 The Mall, the proposal would not have a material impact on daylight and sunlight to habitable rooms at this property nor would it result in overshadowing of adjoining gardens.

6.3.2 The first floor layout has been designed so that there are no habitable rooms at this level within the rear elevation; all windows are to bathrooms and a condition can be attached to ensure these are obscure glazed. This would ensure that privacy and overlooking to number 147 Fox Lane is safeguarded. Overall, no objection is raised in regards to impact to residential amenity.

6.4 Highways

- 6.4.1 The Council's DMD Policy 45 and the London Plan Policy 6.13 require a minimum of one car parking space to be provided for a three-bed dwelling. As such the proposed driveway parking space for one vehicle complies with the Policies.
- 6.4.2 No off-street car parking is recorded on the application form in connection with no 149 Fox Lane, although this current application will lead to the loss of at least two off street parking spaces that previously existed in a double garage serving this property. The London Plan standards are expressed as maximums and allow for no car parking provision where appropriate. It is acknowledged that the area experiences a relatively high level of car parking demand as a result of the limited off street provision. The loss of car parking for no 149 Fox Lane and addition of a new property, with off street parking, would not result in an unacceptable increase in demand to the extent that the application should be refused. Therefore the application is not contrary to DMD policy 45 and London Plan policy 6.13.
- 6.4.3 A new crossover would need to be created from the public highway (The Mall). The principle of the access and its location is acceptable and meets the required visibility standards. However, as only indicative plans were submitted, a condition should be attached requiring the detailed design of the crossover to be agreed by the Council and implemented before the development is occupied.
- 6.4.4 Details of any means of enclosure, cycle provision, refuse provision and landscaping can be secured by way of a condition. Such conditions have been imposed to satisfy the requirements of the DMD and the London Plan.

6.5 Section 106

- 6.5.1 On 28th November 2014 the Government introduced immediate changes to the National Planning Practice Guidance to state that contributions for affordable housing and tariff style planning obligations should not be sought for small scale and self-build developments containing 10 units with a gross area of no more than 1000sq.m. In the light of the implications for this for the Councils adopted DMD policy, a report was taken to the Local Plan Cabinet Sub Committee on 15th January 2015. At the meeting and in the light of guidance issued, Members agreed the approach set out below for dealing with planning applications and as the basis for future consultation on the revised S106 SPD.
- 6.5.2 Education contributions will no longer be required for developments of less than 11 units.
- 6.5.3 Affordable housing contributions may still be sought for developments of 1-9 units in accordance with the following:
- Individuals and self-builders will be exempt from requiring to pay affordable housing contributions;

- Contributions may continue to be required from other developers subject to viability testing, with a view to ensuring that contributions do not result in a disproportionate burden and an obstacle to the delivery of housing.

6.5.3 In this instance the applicant is considered to be an individual and thus the scheme would not be required to provide a contribution towards affordable housing or education.

6.6 Sustainable Development

6.6.1 Core Strategy Policy 4 States that new housing developments should seek to exceed the Code for Sustainable Homes Level 4 and should be built to Lifetime Homes Standards. A Code for Sustainable Homes Pre – Assessment has been submitted which indicates Code Level 4 can be achieved and an Energy Statement has been submitted demonstrating that PV cells should be used at the property in order to embrace the requirements of the Core Strategy and Building Regulations. Details can be secured by way of a condition to ensure that the sustainability of the development is achieved.

6.7 CIL

6.7.1 As of the April 2010, legislation in the form of CIL Regulations 2010 (as amended) came into force which would allow ‘charging authorities’ in England and Wales to apportion a levy on net additional floorspace for certain types of qualifying development to enable the funding of a wide range of infrastructure that is needed as a result of development. Since April 2012 the Mayor of London has been charging CIL in Enfield at the rate of £20 per sqm. The Council is progressing its own CIL but this is not expected to be introduced until spring / summer 2015. In this instance the proposed residential development would be subject to a £20 per square metre levy in accordance with the GLA's CIL Charging Schedule.

6.7.2 The applicant has indicated that the new development would create 106.86 square metres in gross internal floor area. On this basis, the calculation and sum arising would be as follows:

$$(\text{£}20/\text{m}^2) \times (106.86\text{m}^2) \times 237/223 = \text{£}2,267.65$$

6.7.3 Should permission be granted, a separate CIL liability notice would need to be issued.

7.0 **Conclusion**

7.1 The subdivision of site and erection of a detached single family dwelling house adjacent to 2 The Mall, increases the Borough's housing stock and would not detract from the residential character and amenities of the surrounding area and in particular, the visual amenities or privacy of the occupants of Fox Lane and The Mall. Further, the proposal would not give rise to conditions prejudicial to the free flow and safety of traffic on the adjoining highway.

8.0 **Recommendation**

8.1 That planning permission be GRANTED subject to the following conditions:

1. C60 Approved Plans
2. C51A Time Limited Permission
3. C07 Details of materials
4. C09 Details of Hard Surfacing
5. C11 Details of Enclosure
6. C19 Details of Refuse Storage / Recycling Facilities
7. C24 Obscure glazing
8. C25 No Additional Fenestration
9. C17 Landscaping
10. C59 Cycle parking
11. C4 Details of development – access
12. Evidence confirming the development achieves Code rating of no less than Code Level 4 shall be submitted to and approved in writing by the LPA. The evidence required shall be provided in the following formats.

a) A design stage assessment, conducted by an accredited Code Assessor and supported by relevant BRE interim certificate, shall be submitted at pre construction stage prior to the commencement of development.

b) A post construction assessment, conducted by an accredited Code Assessor and supported by relevant BRE accreditation certificate shall be submitted following the practical completion of the development and prior to first occupation. The development shall be carried out strictly in accordance with the details so approved, and shall be maintained as such thereafter and no changes shall take place without the prior approval of the LPA.

Reason: In the interests of addressing climate change and to secure sustainable development in accordance with strategic objectives of the Council and Policies 3.5, 5.2, 5.3 of the London Plan, CP4 of the Core Strategy as well as having regard to the NPPF.

13. Following practical completion of works a final Energy Performance Certificate shall be submitted to and approved in writing by the Local Planning Authority. Where applicable, a Display Energy Certificate shall be submitted within 18 months following first occupation.

Reason: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO₂ emission reduction targets are met in accordance with Policy CP20 of the Core Strategy, Policies 5.2, 5.3, 5.7 & 5.9 of the London Plan 2011 and the NPPF.

14. The development shall not commence until an 'Energy Statement' has been submitted and approved in writing by the Local Planning Authority. Submitted details will demonstrate the energy efficiency of the development and shall provide for no less than a 8% improvement in total CO₂ emissions arising from the operation of a development and its services over Part L of Building Regs 2013 utilising gas as the primary heating fuel. Should Low or Zero Carbon Technologies be specified as part of the build the location of the plant along with the maintenance and management strategy for their continued operation shall also be submitted. The Energy Statement should outline how the reductions

are achieved through the use of Fabric Energy Efficiency performance, energy efficient fittings, and the use of renewable technologies.

The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.

Reason: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO2 emission reduction targets are met in accordance with Policy CP20 of the Core Strategy, Policies 5.2, 5.3, 5.7 & 5.9 of the London Plan 2011 and the NPPF.

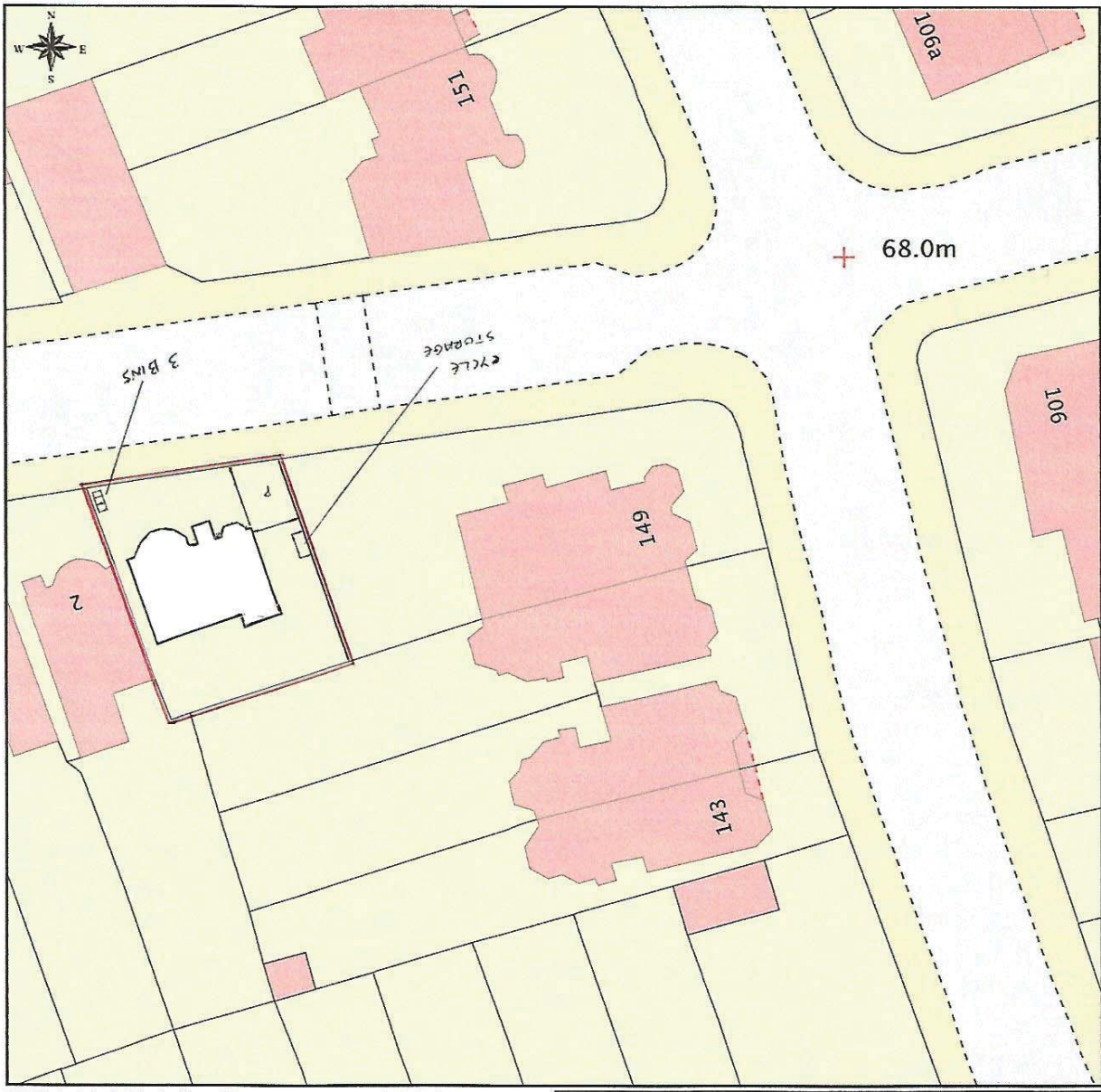
15. The development shall be implemented to accord with Lifetime Homes standards. Prior to occupation of the development evidence confirming compliance shall be submitted to and approved in writing by the Local Planning Authority. The development shall be maintained as such thereafter.

Reason: To ensure that the development allows for the future adaptability of the home to meet with the needs of future residents over their lifetime in accordance with Policy CP4 of the Core Strategy and Policy 3.5 of the London Plan 2011.

- 16 The development shall not commence until details of surface drainage works have been submitted and approved in writing by the Local Planning Authority. The details shall be based on an assessment of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles as set out in the Technical Guidance to the National Planning Policy Framework. The drainage system shall be installed/operational prior to the first occupation and a continuing management and maintenance plan put in place to ensure its continued function over the lifetime of the development.

The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.

Reason: To ensure the sustainable management of water, minimise flood risk and to minimise discharge of surface water outside of the curtilage of the property in accordance with Policy CP28 of the Core Strategy, Policies 5.12 & 5.13 of the London Plan and the NPPF.



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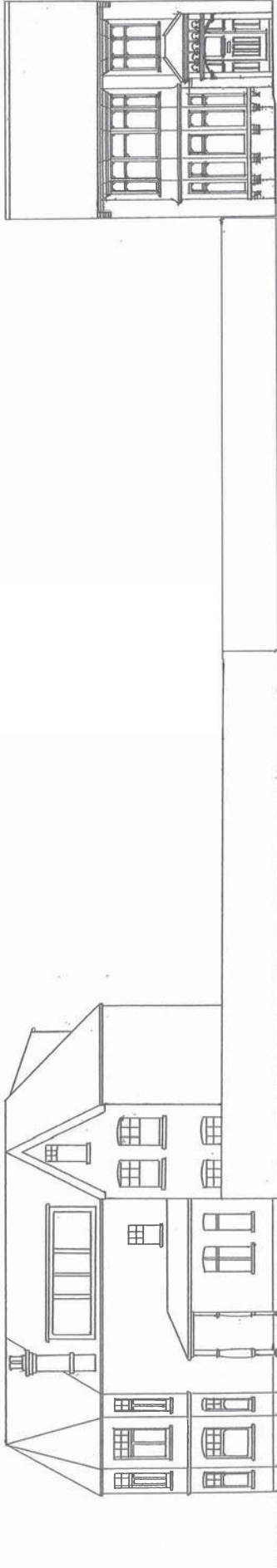
BLOCK PLAN 1:500 Drawing no. 005

Land adjacent to 2 The Mall

London

N14 6LN

Current Front Elevation



Proposed Front Elevation

