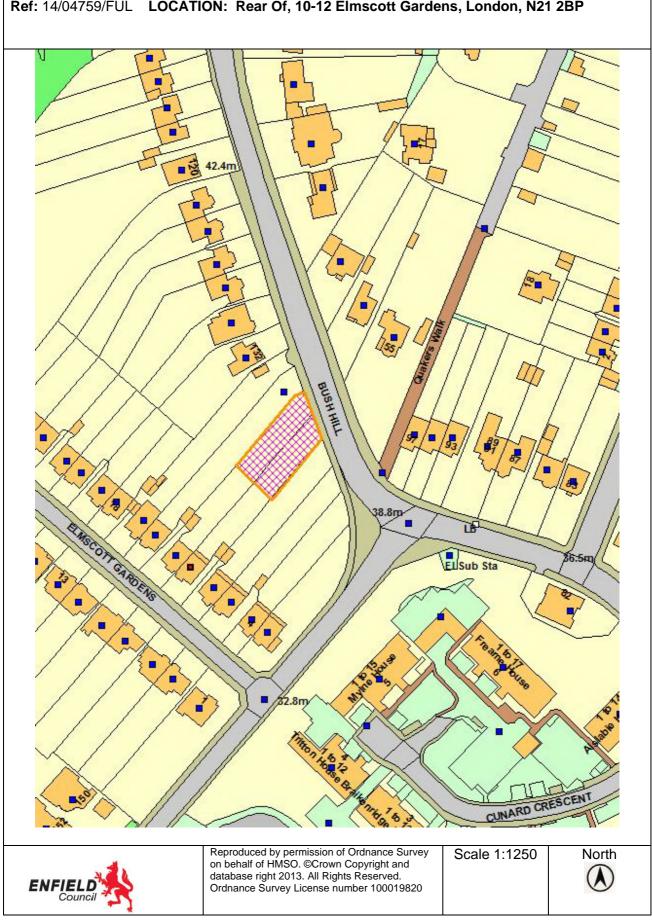
PLANNING COMMITTEE			Date : 21 st May 2015			
Report of Assistant Director, Planning, Highways & Transportation	Contact Officer: Andy Higham 020 Sharon Davidson Ms A Treloar 020	020 8379 3841		Ward: Grange		
Ref: 14/04759/FUL	4/04759/FUL			Category: Full Application		
LOCATION: Rear Of, 10-12 E	mscott Gardens, Lo	ndon, N21 2BF	5			
PROPOSAL: Subdivision of sit side to first floor level, rear balc terrace, associated landscaping	onies and terrace, sol	ar panels, amer				
Applicant Name & Address: Mr & Mrs C AND J CONNOR 10 ELMSCOTT GARDENS WINCHMORE HILL MIDDLESEX N21 2BP United Kingdom		Agent Name & Address: Mr GRAHAM FISHER 1 Woodlands Avenue Wanstead Greater London E11 3RA United Kingdom				
RECOMMENDATION: That planning permission be	GRANTED subject	to conditions.				



Ref: 14/04759/FUL LOCATION: Rear Of, 10-12 Elmscott Gardens, London, N21 2BP

1. Site and Surroundings

- 1.1 The subject site is the garden land at the rear of 10-12 Elmscott Gardens. The land has a natural slope from northeast (Bush Hill) to southwest (Elmscott Gardens).
- 1.2 The plot created would have a regular shape with a splayed frontage to Bush Hill. It would be approximately $518m^2$ in area (16.8m wide x 27m 34.7m deep).
- 1.3 The plot created has a number of established trees and shrubs including a mature oak tree adjoining Bush Hill which is subject to a Tree Preservation Order (TPO).
- 1.4 The site is located within an established residential area. 10-12 Elmscott Gardens and the adjoining properties contain pairs of semi-detached two-storey dwellings with accommodation in the roof spaces.
- 1.5 The garden land at the rear of 18–30 Elmscott Gardens has been developed with single family dwellings, and most recently the garden land at the rear of 14 Elmscott Gardens (LPA Ref: TP/03/1278; PINS Ref: APP/Q5300/A/03/1132560).
- 1.6 The Bush Hill street scene is characterised by single family dwellings of different styles and eras.
- 1.7 The site is not located within a conservation area and does not contain a listed building.

2. Proposal

- 2.1 The application seeks planning permission for subdivision of 10-12 Elmscott Gardens to create a new plot and erection of a detached three-storey single family dwelling fronting Bush Hill and associated access and landscaping.
- 2.2 The dwelling would have 325.6m² floor area including kitchen, dining and living on the lower ground floor and bedrooms on the upper floors. The dwelling would have an integrated double garage with a new vehicle crossover on Bush Hill. Amenity space would be provided by way of a balcony at first floor, a terrace at lower ground floor and garden land.
- 2.3 The proposed development would require the removal of the mature oak tree fronting Bush Hill covered by a Tree Preservation Order. Two replacement trees would be planted within the forecourt.
- 2.4 It is noted that the plans were amended (revised plans received 5/3/2015 and 24/4/2015) during the course of the application to:
 - Provide section details through the proposed dwelling and No. 136 Bush Hill and No. 10-12 Elmscott Gardens.
 - Reduce the height of the proposed dwelling to no taller than No. 136.
 - Ensure that the proposed dwelling does not breach 45 and 30 degree lines as taken from the adjoining habitable room windows at No. 136.
 - Revise the car parking access and layout.
 - Revise the external stairs on the right elevation of the proposed dwelling.

- Increase the height of the privacy screens from 1.6m to 1.7m.
- Provide two fastigiated oak trees within the forecourt.

3. Relevant Planning History

3.1 Whilst there is no relevant history relating to the application site, an application for the subdivision of No.14 Elmscott Gardens and the erection of a detached three-storey single family dwelling with integrated garage and vehicle access onto Bush Hill (ref: TP/03/1278) was refused at Planning Committee but allowed on Appeal (PINS Ref: APP/Q5300/A/03/1132560). The Inspector considered that whilst there was a change in levels, the separation of 55m in addition to tree planting, would not unduly impact on privacy. Any overshadowing due to its close proximity to boundaries would be no different to conditions experienced by many residents in urban areas.

4. Consultations

4.1 Statutory and non-statutory consultees

4.1.1 Tree Officer

The Tree Officer advises that the existing TPO Oak is not in good condition. Given its current and future health, its present moderate amenity value will decrease with time and therefore its removal is acceptable subject to the planting of replacement trees. The proposed fastigiate oak trees are an acceptable replacement for the existing oak tree. Fastigiate oak is a native cultivar that has a columnar habit that achieves a tall compact canopy (4m radial spread) and would fit both planting locations well with very little future maintenance. It is an attractive tree and will have good wildlife and amenity value.

4.1.2 Traffic and Transportation

Subject to conditions, the proposed car parking access and layout is acceptable.

4.1.3 Drainage Officer

No objections are raised. However, details of a sustainable urban drainage system (SUDS) should be required by condition.

4.1.4 Thames Water

No objection subject to informatives regarding provision for surface water drainage, preparation of a piling method statement, and minimum water pressure rates.

4.2 Public response

- 4.2.1 Letters were sent to the occupiers of eight adjoining and nearby properties. Letters of objection were received to the initial consultation from No. 136 and 132 Bush Hill, raising the following points:
 - The height is taller than my neighbour's house at 136 Bush Hill.
 - It stretches much further down the garden.
 - The plans do not indicate levels.

- How do you have a pond on a slope?
- It is out of character with our side of the street.
- Major concern of street parking near to a bend in the road where there have been several accidents in recent years.
- The dwelling requires the felling of a large eucalyptus tree. A structural survey of our own house (No.132) requires that we maintain a horse chestnut in our garden to regulate moisture levels in the clay. The removal of the eucalyptus would undoubtedly have a detrimental impact on nearby properties.
- Loss of light to No.136
- Loss of privacy from the raised walkway to the garage.
- The appeal scheme (my property at No.136) had to be reduced in height so it was no taller than No.132.
- Inadequate height of privacy screens (1.6m).
- Loss of outlook due to the rearward projection of the dwelling.
- 4.2.2 Following the receipt of revised plans (5/3/2015), a further round of consultation was undertaken with 1 objection received from No. 136:
 - Loss of privacy from the balcony at ground floor.
 - Loss of privacy from the terrace at lower ground floor.
 - Impact on the amenities of No. 10-12 Elmscott Gardens through loss of privacy.
 - The proposed dwelling should maintain the rear building line and not extend beyond No. 136 by more than 4m. The proposed projection is excessive.
 - The ridge height should be no taller than No. 136.
 - Concern regarding the removal of foul sewerage.
- 4.2.3 Neighbours were not notified of the revised plans received on 24/4/2015 because they sought to improve the scheme by reducing the ridge height to no taller than No. 136, increase the height of the privacy screens from 1.6m to 1.7m, and provide appropriate replacement trees for the loss of the existing Oak tree.

5. Relevant Policies

- 5.1 London Plan
 - Policy 3.3 Increasing housing supply
 Policy 3.4 Optimising housing potential
 Policy 3.5 Quality and design of housing developments
 - Policy 3.8 Housing choice
 - Policy 3.9 Mixed and balanced communities
 - Policy 3.10 Definition of affordable housing
 - Policy 3.11 Affordable housing targets
 - Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
 - Policy 3.13 Affordable housing thresholds
 - Policy 5.1 Climate change mitigation
 - Policy 5.2 Minimising carbon dioxide emissions
 - Policy 5.3 Sustainable design and construction
 - Policy 5.7 Renewable energy
 - Policy 5.9 Overheating and cooling
 - Policy 5.10 Urban greening
 - Policy 5.11 Green roofs and development site environs

- Policy 5.13 Sustainable drainage
- Policy 5.14 Water quality and wastewater infrastructure
- Policy 5.15 Water use and supplies
- Policy 5.16 Waste self-sufficiency
- Policy 6.9 Cycling
- Policy 6.13 Parking
- Policy 7.1 Lifetime neighbourhoods
- Policy 7.4 Local character
- Policy 7.6 Architecture
- Policy 7.19 Biodiversity and access to nature
- Policy 7.21 Trees and woodlands
- Policy 8.2 Planning obligations
- Policy 8.3 Community infrastructure levy
- 5.2 Core Strategy

Core Policy 2	Housing supply and locations for new homes
Core Policy 3	Affordable housing
Core Policy 4	Housing quality
Core Policy 5	Housing types
Core Policy 20	Sustainable energy use and energy infrastructure
Core Policy 21	Delivering sustainable water supply, drainage and sewerage
	infrastructure
Core Policy 24	The road network
Core Policy 25	Pedestrians and cyclists
Core Policy 30	Maintaining and improving the quality of the built and open
	environment
Core Policy 36	Biodiversity
Core Policy 46	Infrastructure contributions

5.3 Development Management Document

- DMD 2 Affordable housing for development of less than 10 units
- DMD 6 Residential character
- DMD 8 General standards for new residential development
- DMD 9 Amenity space
- DMD 10 Distancing
- DMD 37 Achieving high quality and design-led development
- DMD 38 Design process
- DMD 45 Parking standards and layout
- DMD 46 Vehicle crossovers and dropped kerbs
- DMD 49 Sustainable design and construction statements
- DMD 50 Environmental assessment methods
- DMD 51 Energy efficiency standards
- DMD 53 Low and zero carbon technology
- DMD 54 Allowable solutions
- DMD 55 Use of roof space / vertical surfaces
- DMD 56 Heating and cooling
- DMD 57 Responsible sourcing of materials, waste minimisation and green procurement
- DMD 58 Water efficiency
- DMD 61 Managing surface water
- DMD 79 Ecological enhancements
- DMD 80 Trees on development sites
- DMD 81 Landscaping

5.4 Other Relevant Policy Considerations

National Planning Policy Framework National Planning Policy Guidance Mayor's Housing Supplementary Guidance Section 106 Supplementary Planning Document

6. Analysis

Principle

- 6.1 The adopted policies encourage residential development that improves existing housing stock and provides new housing to accommodate London's increasing population and changing demographics.
- 6.2 DMD 7 specifically relates to garden land and requires that residential development:
 - a) Does not harm the character of the surrounding area.
 - b) Is of an appropriate density having regard to the site context.
 - c) The original plot is of a sufficient size to allow for additional dwelling(s).
 - d) Does not adversely impact residential amenity or the existing pattern of development.
 - e) Retains an adequate amount of garden land within the existing and proposed plots.
 - f) Provides appropriate access to the public highway.
- 6.3 The principle of residential development of the garden land is considered acceptable having regard to the requirements of DMD 7 as detailed below.
- 6.4 DMD 80 states that development involving the loss of or harm to trees covered by Tree Preservation Orders (TPOs), or trees of significant amenity or biodiversity value, will be refused.
- 6.5 Council's Tree Officer has advised that removal of the existing TPO oak tree is acceptable subject to the planting of two fastigiated oak trees.

Impact on the character of the surrounding area

Density

6.6 Policy 3.4 of the London Plan seeks to optimise housing potential having regard to the local context and public transport accessibility. Table 3.2 of the London Plan provides a residential density matrix that should be used as a preliminary assessment or guide to realise optimum housing potential. The plot created would be approximately 0.0518 hectare and has a PTAL 1b score (1 being the least accessible to public transport and 6 being the most accessible). Eight habitable rooms are proposed, equating to a density level of 154.4 habitable rooms per hectare, which is within the range considered acceptable for a site with a PTAL 1 score in a suburban setting (150-200hr/ha).

Design

6.7 The adopted polices encourage high quality residential development that is of a scale and form appropriate to the site and its locality. Residential development

should reflect the best aspects of the character of the surrounding area and make a positive contribution to the street scene.

- 6.8 The proposed dwelling would be built into the natural slope and present a twostorey building to the street scene. The proposed dwelling would be consistent with the pattern of development in terms of its siting, form and design. It is noted that the plans were revised during the course of the application to ensure that the ridge height was no taller than No. 136
- 6.9 The proposed dwelling would provide opportunities for landscaping around the building to soften its appearance and enhance the character of the local area.

Impact to the neighbours' amenity

Distancing

- 6.10 DMD 10 requires that residential development maintains a 30m distance between the rear facing windows of three-storey buildings. It is noted that a greater distance may be required depending on the size and nature of the plots.
- 6.11 The proposed dwelling would meet the minimum standard; the distance to No. 10-12 Elmscott Gardens would be in excess of 40m. This distance is considered acceptable having regard to the size and nature of the plots including the natural slope and the vegetation along the common boundary. Details of the proposed landscaping could be secured by condition to ensure that the proposed dwelling would not have an unreasonable impact on the neighbours' amenities through loss of privacy.

Light

6.12 The proposed dwelling is positioned to respect the 30' line form No.136's nearest habitable room window. The impact of the proposed development on light to no.136 is therefore considered acceptable having regard to the orientation of the plots and the siting and massing of the proposed dwelling.

Outlook

6.13 The proposed dwelling would not unreasonably affect the amenities of No. 136 through loss of outlook. The plans were revised during the course of the application to provide section details through the proposed dwelling and No. 136 and ensure that the proposed dwelling does not breach 45 and 30 degree lines as taken from the adjoining habitable room windows at No. 136. It is noted that the 1.7m high obscure privacy screens would breach the 45 and 30 degree lines. However, the screens would maintain a 2m distance from the boundary and would not have the same impact as a solid wall. On balance, it is considered that the proposed dwelling would not have an undue impact on the neighbours' outlook having regard to the proposed levels, siting and massing as well as the views from the adjoining property.

Privacy

6.11 The proposed dwelling would not unreasonably affect the privacy of No. 136. The external stairs on the right elevation have been moved towards the front of the property and the obscure privacy screens have been increased in height from 1.6m to 1.7m.

Quality of accommodation

Floor area

6.12 The proposed dwelling would exceed the minimum floor area provided at Table 3.3 of the London Plan and the Mayor's Supplementary Housing Guidance minimum standards.

Amenity space

6.13 The proposed dwelling would exceed the minimum amenity space standard provided at DMD 9 and provide an appropriate garden area at the rear of the property.

Highway considerations

- 6.14 The proposed dwelling would have an integrated double garage. Council's Highways Officer has advised that the proposed access and layout is acceptable.
- 6.15 Cycle parking would be provided within the double garage.
- 6.16 Refuse storage would be provided within an enclosure at the front of the property.

Sustainable design and construction

- 6.17 DMD 49 requires that all new development achieves the highest sustainable design and construction standards having regard to technical and economic feasibility.
- 6.18 The applicant has submitted an energy statement which demonstrates that the proposed dwelling would comply with the relevant standards contained within the Development Management Document. This could be secured by condition.
- 6.19 DMD 61 requires that new development maximises the use of sustainable urban drainage systems to manage surface water as close to its source as possible in accordance with the London Plan drainage hierarchy. Council's SUDS Officer has advised that this could be secured by condition and has provided details of the information required.

Ecological enhancements

6.20 DMD 79 requires that developments resulting in the creation of 100m² floor space or 1 or more net dwellings provide on-site ecological enhancements. The applicant has submitted an ecological report which concludes that constraints to the proposed development and recommends a range of ecological enhancements. This could be secured by condition.

Section 106

6.21 Section 106 (S106) of the Town and Country Planning Act 1990 allows local planning authorities to enter into a legally-binding agreement or planning

obligation with a landowner in association with the granting of planning permission.

- 6.22 These agreements are a way of delivering or addressing matters that are necessary to make a development acceptable in planning terms. They are increasingly used to support the provision of infrastructure and services such as affordable housing, education, recreational facilities, highways and health.
- 6.23 The S106 Supplementary Planning Document (SPD) sets out the circumstances in which a S106 agreement is likely to be required and provides details of the type and level of financial contribution necessary.
- 6.24 The proposed development would be required to make contributions towards affordable housing and education under the current S106.
- 6.25 However, on the 28th November 2014 the Minister for Housing and Planning announced S106 planning obligation measures to support individuals, self-builders and small scale developers. Paragraphs 12 to 23 of the National Planning Policy Guidance were amended to state that contributions for affordable housing and tariff style planning obligations should not be sought from individual, self-build and small scale developments containing 10 units or less with a gross area of no more than 1,000m2.
- 6.26 This change in national policy was considered by Council's Local Plan Cabinet Sub Committee at its meeting on the 15th January 2015, where it was determined that affordable housing contributions will no longer be required for developments containing less than 10 units where the applicant is an individual or self-builder and that education contributions will no longer be required for developments containing less than 11 units.
- 6.27 Affordable housing contributions will still be sought from small and large scale developers, however the Council is looking to simplify the viability process for small scale developers so that the requirement to submit information does not have a disproportionate burden.
- 6.28 It has been confirmed that the scheme would be a self-build. Therefore, the LPA will not be seeking an affordable housing contribution.

Community Infrastructure Levy

- 6.29 As of April 2010, new legislation in the form of Community Infrastructure Levy (CIL) Regulations 2010 (as amended) came into force which 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.
- 6.30 The CIL calculation based on the current index figure is: $(\pounds 20 \times 325.6\text{m}^2 \times 257)/223 = \pounds 7,504.86.$

7. Conclusion

7.1 Having regard to the above, it is considered that the proposed development would not have any undue impact on either the character of the area or the

amenities of the occupiers of adjoining properties and is therefore considered acceptable.

- 8 Recommendation
- 8.1 That planning permission be GRANTED subject to the following conditions:
 - 1. Approved Plans Revised
 - 2. Details of Levels
 - 3. Details of Access and Junction
 - 4. Details of External Materials (Buildings and Hardstandings)
 - 5. Details of Enclosure
 - 6. Details of Refuse Storage & Recycling Facilities
 - 7. Private Vehicles Only Garages / Parking Areas The garage and car spaces to be provided shall be kept available for the parking of private motor vehicles at all times The garage and car spaces shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

Reason: To ensure that the development complies with adopted Policy and to prevent the introduction of activity that would be detrimental to visual and residential amenity.

- 8. No Additional Fenestration
- 9. Privacy Screens (as per drawings)
- 10. Restricted Permitted Development

Notwithstanding Schedule 2, Part 1, Classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent amending Order, no buildings or extensions to buildings shall be erected without the prior approval in writing of the Local Planning Authority.

Reason: to protect the neighbours' amenity and ensure a satisfactory appearance.

11. Details of Landscaping and Ecological Enhancements

The development shall not commence until details of the trees, shrubs and grass to be planted and the ecological enhancements to be incorporated into the scheme in accordance with the Ecology Report prepared by Jones & Sons Environmental Sciences Ltd have been submitted to and approved by the Local Planning Authority. The site shall be landscaped and the ecological enhancements provided in accordance with the approved details in the first planting season after completion of the development. Any trees or shrubs which die or become severely damaged or diseased within five years of planting shall be replaced with new planting in accordance with the approved details.

Reason: To ensure a satisfactory appearance and improve the ecological value of the site having regard to adopted policy.

12. Vegetation Clearance (Outside of Nesting Season)

All areas of hedges, scrub or similar vegetation where birds may nest which are to be removed as part of the development, are to be cleared outside the bird-nesting season (March - August inclusive) or if clearance during the bird-nesting season cannot reasonably be avoided, a suitably qualified ecologist will check the areas to be removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall proceed until all young have fledged the nest.

Reason: To ensure that wildlife is not adversely affected by the proposed development in line with CP36 of the Core Strategy.

13. Tree Protection

The protection of retained trees, shrubs and hedgerows throughout the demolition and construction phases of the development shall be undertaken in accordance with the recommendations contained in the submitted BS5837 Tree Report (4/12/2014). There shall be no deviation from those recommendations without the prior written approval of the Local Planning Authority.

Reason: To ensure that the retained trees, shrubs and hedgerows on the site are not adversely affected by any aspect of the development, having regard to adopted policy

14. Lifetime Homes

The development shall not commence until details confirming compliance with the Lifetime Homes standards (or otherwise agreed) have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained as such thereafter.

Reason: To ensure that the development allows for the future adaptability of the units.

15. Code for Sustainable Homes

Evidence confirming that the development achieves a Code for Sustainable Homes (amended 2014 version or relevant equivalent if this is replaced or superseded) rating of no less than 'Code Level 4' shall be submitted to and approved in writing by the Local Planning Authority. The evidence required shall be provided in the following formats and at the following times:

- 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 superstructure works on site; and,
- 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 within 3 months of first occupation.

The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. No change there from shall take place without the prior written approval of the Local Planning Authority.

Reason: In the interests of addressing climate change and to secure sustainable development.

16. Surface Water Drainage Scheme

The development shall not commence until a detailed surface water drainage scheme has been submitted to and approved by the Local Planning Authority. The scheme shall include on or off site storm water attenuation or regulation.

Reason: To prevent increased risk of flooding and improve and protect water quality, habitat and amenity.

17. Construction Methodology

Development shall not commence until a construction methodology / traffic management plan has been submitted to and approved in writing by the Local Planning Authority. The statement shall contain:

- a. a photographic condition survey of the roads, footways and verges immediately adjacent to the site;
- b. details of construction access, including any temporary heavy duty access;
- c. details of any vehicle holding area;
- d. details of the vehicle call up procedure;
- e. details of measures to protect pedestrians and other highway users from construction activities on the highway;
- f. Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- g. arrangements for the loading, unloading and turning of delivery, construction and service vehicles;
- h. arrangements for wheel cleaning;
- i. arrangements for the storage of materials;
- j. hours of work;
- A construction management plan written in accordance with the 'London Best Practice Guidance: The control of dust and emission from construction and demolition';
- I. Details of any ancillary buildings if required.

The development shall be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the implementation of the development does not lead to damage to the existing highway and to minimise disruption to neighbouring properties and the environment

18. Time Limited Permission



