



Appeal Decisions

Site visit made on 11 December 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 January 2018

Appeal A Ref: APP/N5090/W/17/3179008

15 Wycombe Gardens, Golders Green, London NW11 8AN

- 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 MLE Property Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/8061/FUL, dated 19 December 2016, was refused by notice dated 17 May 2017.
 - The development proposed is described as 'demolition, excavation and erection of 2 pairs of semi-detached houses with living areas in the lower ground and at roof space'.
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Appeal B Ref: APP/N5090/W/17/3185573

15 Wycombe Gardens, Golders Green, London NW11 8AN

- 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 MLE Property Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 17/4182/FUL, dated 28 June 2017, was refused by notice dated 19 September 2017.
 - The development proposed is demolition, excavation and erection of 2 pairs of semi-detached houses with living areas in the lower ground and at roof space.
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Decisions

Appeal A: APP/N5090/W/17/3179008

1. The appeal is allowed and planning permission is granted for demolition of existing building and erection of 4 no dwellings with rooms at basement level and roofspace at 15 Wycombe Gardens, Golders Green, London NW11 8AN in accordance with the terms of the application, Ref 16/8061/FUL, dated 19 December 2016, and the plans submitted with it, subject to the conditions set out in Schedule 1 attached to this Decision.

Appeal B: APP/N5090/W/17/3185573

2. The appeal is allowed and planning permission is granted for demolition, excavation and erection of 2 pairs of semi-detached houses with living areas in the lower ground and at roof space at 15 Wycombe Gardens, Golders Green, London NW11 8AN in accordance with the terms of the application, Ref 17/4182/FUL, dated 28 June 2017, and the plans submitted with it, subject to the conditions set out in Schedule 2 attached to this Decision.

Procedural Matters

3. The description of the proposed development on the application form for Appeal A states the '*erection of 2 pairs of semi-detached houses...*'. However, the proposed houses would be joined at upper floor level and would not, therefore, be semi-detached. Consequently, I have altered the description of the development in paragraph 1 above to reflect that contained on the Council's decision notice.

Main Issue

4. The main issue in these cases is the effect of the proposals on the character and appearance of the area.

Reasons

Character and appearance

5. The appeal site is situated on the southern side of Wycombe Gardens close to the junction with Hodford Road. The site currently comprises of a substantial two storey detached building which is in use as two self-contained flats. The surrounding area is predominately characterised by residential development of semi-detached and detached dwelling houses of a variety of architectural styles. Houses are set back from the road behind large gardens and driveways bound by low boundary walls and hedges.
6. The appeal property is comprised of brick and render and has a single storey garage attached to the western flank which also comprises of a roof terrace. It has a wider frontage and is set in a much wider plot with a more limited setback from the road than the majority of the surrounding properties. Both proposals seek to demolish the existing building and erect four dwellings with rooms at basement level and in the roof space.
7. Appeal A would comprise 3 x 4 bedroom dwellings and 1 no 3 bedroom house which would all have a single storey projecting wing to the rear. The proposal would effectively be for a terrace of four dwellings, in contrast to the predominant form of development in the surrounding area. However, the existing building differs significantly from surrounding properties by virtue of its elongated frontage. Furthermore, Plots B and C would be split by a shared access path at ground floor with a width of 0.9m with accommodation above which would provide a visual break in the development at ground floor level. This visual break together with the stepped roof form would help to reduce the mass of the proposal when viewed from the street and create the appearance of semi-detached dwellings.
8. Plot A would broadly follow the building line of number 13 Wycombe Gardens and Plots C and D would step forward by approximately 1m reflecting the bend of the road. The basements would project beyond the front building line; however, they would not be readily visible within the street scene. In addition, the proposal would have similar plot coverage as the existing property and broadly reflect the established front and rear building lines along Wycombe Gardens with the exception of the projecting rear wings at ground floor level; however, these would not be visible from the road.
9. Furthermore, although the proposal would be slightly higher than the adjacent No 13, the stepped roof form would reflect the change in ground levels and help to reduce the massing of the proposal. Consequently, although the proposal would result in a staggered height and building line, I consider that the design would respond well to the specific characteristics of the site which differs from that of the surrounding area.

10. The proposal would involve the loss of the existing brick boundary wall and the installation of drivable grass pavers within the front garden space to provide in-curtilage parking. However, I noted on my site visit that there are a number of properties in both Wycombe Gardens and Hodford Road where the frontages are dominated by driveways. Furthermore, the Appellant has suggested the use of 'grasscrete' in order to soften the appearance and a condition could be imposed requiring details of hard and soft landscaping. I also note that the mature tree in the front garden is to be retained. I, therefore, consider that the proposed frontage arrangement would not be at odds with the character and appearance of the area.
11. Although the proposal would have a contemporary appearance, the overall scale, massing and plot coverage would broadly reflect the character of the surrounding area. Furthermore, the surrounding area is characterised by a variety of architectural styles. Consequently, I consider that Appeal A would not harm the character or appearance of the surrounding area.
12. Appeal proposal B is for 4 x 3 bedroom dwellings which would also have single storey projecting rear wings. The positioning of the buildings relative to numbers 13 and 17 and the height would be broadly similar to Appeal A. The design would also be similar with the roofs hipped to both sides and two centrally located gables at the front. However, in contrast to Appeal A, the properties would be semi-detached with a distance of around 1.2m between Plots B and C. As with Appeal A the basements would be sited underneath the footprint of the dwellings, although they would not be visible in the street scene. There would be a reduction in the amount of fenestration compared to Appeal A.
13. The proposal for semi-detached dwellings would reflect the character of surrounding properties. Furthermore, the proposal would generally sit within the established front and rear building lines of Wycombe Gardens, with the exception of the rear projecting wings which would not, in any event, be visible from the road. The gap between the buildings would also reduce the visual mass and bulk of the proposal. It is proposed to have 'grasscrete' surfacing for the parking spaces at the front combined with landscaping in order to soften the appearance of the parking area.
14. As with Appeal A, the proposal would have a contemporary appearance; however, I consider that the overall scale, massing and plot coverage would respond to the character of the surrounding area and the specific characteristics of the appeal site. Consequently, I consider that Appeal B would not harm the character or appearance of the surrounding area.
15. For the reasons stated, I conclude that Appeal A and Appeal B would not harm the character and appearance of the area. No conflict would, therefore, arise with Policy DM01 of the Barnet Development Management Policies Development Plan Document 2012 (DMP), Policy CS5 of the Barnet Core Strategy 2012 and Policies 7.4 and 7.6 of the London Plan which collectively seek to ensure that new development is of the highest quality design and architectural quality which respects local context and distinctive local character.

Other matters

16. A number of representations, including letters of objections and support have been received with regards to both Appeal A and Appeal B with regards to a number of issues.
17. The proposed development immediately adjacent to No 17 would be single storey and the first floor of the building would be set around 2.5m away from the boundary with No 17. Furthermore, the rear garden of No 17 would be situated

between the appeal proposals and the rear elevation of No 17. Moreover, the existing first floor terrace on the garage of the appeal property would be removed which would improve the privacy of the occupiers of No 17. Consequently, the proposal would not have a materially harmful effect on the living conditions of the occupiers of number 17 in terms of outlook or privacy.

18. The existing clear glazed dormer serving No 13 Wycombe Gardens does not serve a habitable room and the proposed dormer in the side of the proposal would be obscure glazed. Consequently, the proposal would not have a harmful effect on the living conditions of existing occupiers at No 13.
19. Due to the distance from the site, the low level of the rearward projections and the intervening property, I am satisfied that the proposal would not result in a loss of light or privacy to No 11. The proposal would not, therefore, have a harmful effect on the occupiers of No 11.
20. Although the proposed dwellings would have small gardens compared to surrounding properties the gardens would, nevertheless, be large enough to accommodate the usual range of activities associated with domestic gardens including sitting out, playing and drying washing. I am, therefore, satisfied that future occupiers would have sufficient amenity space.
21. The proposals would provide 6 parking spaces and the parking bays would comply with the required standard of 2.4m by 4.8. Furthermore, a parking survey has been provided which shows that parking stress is around 45% and that there would be sufficient capacity on-street in the event of any overspill parking. I am, therefore, satisfied that the proposal would not have a harmful effect on highway safety.
22. Whilst there are no protected trees on site there is a significant Horse Chestnut tree situated to the front of the appeal site which it is proposed to retain. The mature trees to the rear of the site would also be retained. Consequently, I am satisfied that the proposal would not have a harmful effect on trees which contribute to the character and appearance of the area.
23. The appeal property is not situated within an area at risk of flooding or in a ground water protection zone. Furthermore, I have imposed a condition which requires details to be submitted and approved by the Local Planning Authority of measures which the development would include to prevent an adverse impact on drainage and ground and surface water conditions in the area. Consequently, I am satisfied that the development at basement level would not increase the risk of flooding.
24. Concerns are raised that the proposals would result in the loss of a large family house; however, the existing property is in use as two self-contained flats at present. Furthermore, the proposals would provide four family homes and contribute towards housing land supply.
25. Reference is made to the pre-application provided by the Council in relation to the appeal site; however, pre-application advice is not binding upon the Local Planning Authority. In any event, I have considered the appeal proposals on their own merits.

Conditions

26. Conditions relating to Appeal A are set out in Schedule 1 and conditions relating to Appeal B are set out in Schedule 2. The conditions for the respective appeals are fundamentally the same, with the exception of the standard plans condition. Hence my reasoning below relates to the conditions for both Appeal A and Appeal B.

27. In addition to the standard time limit (1), I have imposed a condition (2) requiring that the development is carried out in accordance with the approved plans in the interests of certainty. Conditions (3) (8) requiring the approval of details of the external materials and also means of enclosure/boundary treatments are necessary in the interests of character and appearance.
28. A condition (4) requiring details of the finished levels is required given the sloping nature of the site and in order to protect the living conditions of the occupiers of surrounding properties. Further conditions (5) (9) requiring that the roof of the development is not used as a terrace or balcony and requiring details of privacy screens are also necessary in order to protect the living conditions of the occupiers of neighbouring properties.
29. The Council has suggested a condition restricting the installation of any further windows or doors in the flank elevations of the proposal on the boundaries with Nos 13 and 17. It has also suggested a condition which would remove permitted development rights for alterations, improvements or enlargement of the houses; additions or alterations to the roofs; porches; buildings etc incidental to the enjoyment of a dwelling house; and hardstandings which fall under Schedule 2, Part 1, Classes A to F inclusive of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO).
30. The above mentioned conditions would overlap as removing permitted development rights for Class A of the GPDO would in effect restrict the installation of windows in the side elevations of the proposal. Furthermore, Paragraph 017 (Reference ID: 21a-017-20140306) of the Planning Practice Guidance (PPG) states that conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances. The scope of such conditions needs to be precisely defined by reference to the relevant provisions in the GPDO 2015 so that it is clear exactly which rights have been limited or withdrawn. Area wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. I, therefore, assess below whether each element of the GPDO would meet the exceptional test.
31. Class A of Schedule 2, part 1 of the GPDO relates to the enlargement, improvement or other alteration of a dwelling house. Due to the relationship of the proposal to adjacent properties, in particular Nos 13 and 17, and the potential for overlooking I consider that any new additional window openings could harm the living conditions of future occupiers. As the proposed gardens would be small any further extensions to the rear could restrict the enjoyment of the gardens for future occupiers. Consequently, I consider that permitted development rights for windows, dormer windows, rooflights, doors, extensions and enlargements should be withdrawn.
32. Class B of Schedule 2, part 1 of the GPDO could enable a substantial roof enlargement subject to restrictions which due to the juxtaposition of surrounding occupiers could have a harmful effect on surrounding occupiers. Thus, I consider that permitted development rights for additions or alterations to the roof should be withdrawn in order to protect the living conditions of surrounding occupiers.
33. Class C allows other alterations to the roof of a dwelling house subject to conditions. The insertion of roof lights on a roof slope forming a side elevation under Class C would be subject to conditions that they must be obscure glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed, however, this

condition would not apply to any new roof lights in the rear roof slope. Due to the position and orientation of the proposal in relation to surrounding properties to the rear and side, I consider that permitted development rights for roof lights should be withdrawn.

34. Class D allows for the erection of a porch outside any external door of a dwellinghouse subject to size restrictions. Due to the need to retain sufficient parking and also retain a set-back from the road consistent with the established building line, I consider that permitted development rights for porches should be withdrawn.
35. Class E of Schedule 2, part 1 of the GPDO relates to buildings etc which are incidental to the enjoyment of the dwelling house. As the gardens would be small, I consider that any buildings which could be erected under Class E could reduce the amount of amenity space for future occupiers. Consequently, I consider that permitted development rights for gardens sheds, outbuildings, greenhouses, swimming pools should be withdrawn in order to ensure satisfactory amenity space for future occupiers for the lifetime of the development.
36. Class F of Schedule 2, part 1 of the GPDO allows for the creation of a hard surface subject to size limitations (5 square metres). Details of the surface treatment of the parking area to the front and any hard and soft landscaping are required by condition 19. However, any additional area of hardstanding to the front could detract from the character and appearance of the street scene. Furthermore, any additional area of hardstanding could harm the health of the trees on the appeal site which contribute to the character and appearance of the area.
37. I conclude that a condition (6) is required which withdraws/limits permitted development rights for the proposed development within the elements specified in the condition. For the reasons stated above, I consider that these elements meet the exceptional test. This condition would preclude the insertion of windows/dormers/doors in the side elevations facing No 13 or No 17 and so there is no need for a separate condition. I have altered the wording of the condition in order to precisely define which rights have been limited/withdrawn.
38. In order to protect the living conditions of the occupiers of Nos 13 and 17 Wycombe Gardens I have imposed a condition (7) which requires the windows/dormers facing those properties should be obscure glazed and permanently fixed shut with only a fanlight opening.
39. A condition (10) requiring that the outdoor amenity spaces are implemented in accordance with the details shown on the relevant submitted plan before first occupation or the use is commenced and retained as such thereafter is necessary to ensure that future occupiers have use of the amenity area from first occupation and subsequently.
40. A condition (11) requiring details of the means of enclosure and screened facilities for the storage of recycling facilities are submitted is necessary in the interests of character and appearance.
41. A condition (12) requiring details of cycle parking and storage is necessary to ensure that suitable provision is made for cycling facilities for future occupiers and to ensure a choice of means of transport.
42. Further conditions requiring the submission of a Construction Method Statement (13) and also to control the hours of construction and demolition (16) are required

in order to protect the living conditions of surrounding occupiers during the construction phase of the development.

43. Conditions (14, 15) are required to ensure the provision of a means of access and parking spaces before the development is occupied in the interests of highway safety. A further condition (17) is required in order to ensure that the development does not have an unacceptable impact on drainage and ground and surface water.
44. The Council have requested a condition requiring that prior to first occupation of the units that copies of Pre-completion Sound Insulation Test Certificates be submitted to the Local Planning Authority confirming compliance with Requirement E of the Building Regulations 2010. However, Paragraph 005 Reference ID: 21a-005-20140306 of the Planning Practice Guidance states that conditions requiring compliance with other regulatory regimes will not meet the test of necessity. The proposed condition would, therefore, conflict with paragraph 206 of the Framework and I have not, therefore, imposed the condition.
45. A condition (18) relating to a tree protection plan and the implementation of temporary tree protection measures prior to the commencement of the development is required in order to safeguard the health of the existing trees on site. A condition (19) requiring details of hard and soft landscaping is required in the interests of character and appearance.
46. A further condition (20) requiring that the proposed dwelling houses are constructed to meet the relevant criteria of Part M4 (2) of Schedule 1 to the Building Regulations is necessary to meet the needs of future occupiers. This reflects the approach contained in Policies 3.5 and 3.8 of the London Plan and the Mayor's Housing SPG.
47. Conditions (21, 22) relating to Co2 reductions and water usage are necessary to ensure that the development is designed to make the most efficient use of resources, reduce its lifecycle impact on the environment and contributes to climate change adaptation in accordance with Policy CS13 of the Barnet Core Strategy, Policies DM01 and DM02 of the Barnet Development Management Policies and Policies 5.2, 5.3 and 5.15 of the London Plan.

Conclusion

48. For the reasons stated and taking all other considerations into account, both Appeal A and Appeal B should be allowed subject to the conditions set out at Schedules 1 and 2 respectively.

Caroline Mulloy

Inspector

Schedule 1

Conditions-Appeal A: APP/N5090/W/17/3179008

- 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: Drawing no. 16GW-EX-Site Plan; Drawing no. WG16-EX- 101; Drawing no. WG16-EX-102; Drawing titled Survey Roof Plan; Drawing titled Survey Side elevation west; Drawing titled Survey Rear elevation; Drawing no. Survey Front elevation; Drawing titled Survey Site Plan; Drawing titled Survey Side Elevation East; Drawing no. WG16-PL-A201 Rev D; Drawing no. WG16-PL-A202 Rev D; Drawing no. WG16-PL-A203 Rev D; Drawing no. WG16-PL-A204 Rev D; Drawing no. WG16-PL-A205 rev D; Drawing no. WG16-PL-A207 Rev D; Drawing no. WG16-PL-A208 Rev D; Drawing no. WG16-PL-A209 Rev D; Transport Assessment by Paul Mew Associates dated December 2016; Design and Access Statement by SIAW; Planning Statement by SIAW; Arboricultural Survey Impact Assessment Report dated 14 December 2016.
- 3) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the buildings and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the materials as approved.
- 4) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, roads and footpaths in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 5) The roof of any part of the buildings hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity of sitting out area.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows, rooflights, doors, extensions, enlargements, porches, additions or alterations to the roof, garden sheds, outbuildings, greenhouses, swimming pools, or hard surfaces shall be erected or constructed other than those expressly authorised by this permission.
- 7) Before the building hereby permitted is first occupied the proposed first floor rear windows facing no.13 and no.17 Wycombe Gardens, the side dormer facing no. 13 Wycombe Gardens and the side dormers of Unit B and C, 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.
- 8) 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. 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.

- 9) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority. The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.
- 10) The outdoor amenity space for each proposed dwelling shall be implemented in accordance with the details shown on drawing no. WG16-PL-A201 Rev D hereby approved before first occupation or the use is commenced and retained as such thereafter.
- 11) 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. 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.
- 12) The approved development shall make provision for cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority. Such spaces shall be permanently retained thereafter.
- 13) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures.
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) Site preparation and construction phases of development;
 - iv) loading and unloading of plant and materials;
 - v) storage of plant and materials used in constructing the development;
 - vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vii) wheel washing facilities;
 - viii) measures to control the emission of dust, dirt and noise during construction;
 - ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - x) delivery, demolition and construction working hours.
 - xi) Details of a community liaison contact for the duration of all works associated with the development.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 14) Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing no. WG16-PL-A201 Rev D, shall be provided. The parking spaces shall be kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose.
- 15) The building shall not be occupied until a means of access for vehicles shall have been constructed in accordance with detailed plans to be submitted to

and approved in writing by the Local Planning Authority. The access shall be retained thereafter.

- 16) Demolition or construction works shall take place only between 0800 and 1800 on Mondays-Fridays, and only between 0800 and 1300 on Sundays or on Bank or Public Holidays.
- 17) Prior to the commencement of the development or any works associated with this consent starting on site full details (including details of the existing ground conditions and ground water levels) of the measures that the development would include to prevent the development resulting in unacceptable impacts on drainage and ground and surface water conditions in the area shall be submitted to and approved in writing by the Local Planning Authority. The development hereby consented shall be implemented in full accordance with the details approved under this condition prior to its being occupied or brought into use.
- 18) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority. No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.
- 19) No development shall take place until a scheme of hard and soft landscaping to the front forecourt area and the rear boundary, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, has been submitted to and agreed in writing by the Local Planning Authority. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.
- 20) 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.
- 21) 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.

- 22) 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.

Schedule 2

Conditions-Appeal B: APP/N5090/W/17/3185573

- 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: Survey Site Plan; Survey Ground Floor Plan; Survey First Floor Plan; Survey Roof Plan; Survey Side Elevation East; Survey Side Elevation West; Survey Rear Elevation; Survey Front Elevation; Drawing no. 16GW-EX-Site Plan; Drawing no. WG16-PL-A201 Rev B; Drawing no. WG16-PL-A202 Rev E; Drawing no. WG16- PL-A203 Rev E; Drawing no. WG16-PL-A204 Rev E; Drawing no. WG16-PL-A205 Rev E; Drawing no. WG16-PL-A207 Rev E; Drawing no. WG16-PL-A208 Rev E; Drawing no. WG16-PL-A209; Drawing no. WG16-PL-A212; Design and Access Statement by SIAW; Planning Statement by DRK Planning dated June 2017; Sustainability Checklist; Supporting Document- summary of amendments by SIAW; Arboricultural Survey Impact Assessment Report dated 14th December 2016 with amendments 21st June 2017; Transport Assessment by Paul Mew Associates dated June 2017.
- 3) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the buildings and hard surfaced areas including grass paves hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the materials as approved.
- 4) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, roads and footpaths in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 5) The roof of any part of the buildings hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity of sitting out area.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows, rooflights, doors, extensions, enlargements, porches, additions or alterations to the roof, garden sheds, outbuildings, greenhouses, swimming pools, or hard surfaces shall be erected or constructed other than those expressly authorised by this permission.
- 7) Before the building hereby permitted is first occupied the proposed first floor rear windows facing no.13 and no.17 Wycombe Gardens, the side dormer facing no. 13 Wycombe Gardens and the side dormers of Unit B and C, 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.
- 8) 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. 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.

- 9) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority. The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.
- 10) The outdoor amenity space for each proposed dwelling shall be implemented in accordance with the details shown on drawing no. WG16-PL-A201 Rev B hereby approved before first occupation or the use is commenced and retained as such thereafter.
- 11) 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. 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.
- 12) The approved development shall make provision for cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority. Such spaces shall be permanently retained thereafter.
- 13) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures.
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) Site preparation and construction phases of development;
 - iv) loading and unloading of plant and materials;
 - v) storage of plant and materials used in constructing the development;
 - vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vii) wheel washing facilities;
 - viii) measures to control the emission of dust, dirt and noise during construction;
 - ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - x) delivery, demolition and construction working hours.
 - xi) Details of a community liaison contact for the duration of all works associated with the development.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 14) Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing no. WG16-PL-A201 Rev B, shall be provided. The parking spaces shall be kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose.

- 15) The building shall not be occupied until a means of access for vehicles shall have been constructed in accordance with detailed plans to be submitted to and approved in writing by the Local Planning Authority. The access shall be retained thereafter.
- 16) Demolition or construction works shall take place only between 0800 and 1800 on Mondays-Fridays, and only between 0800 and 1300 on Sundays or on Bank or Public Holidays.
- 17) Prior to the commencement of the development or any works associated with this consent starting on site full details (including details of the existing ground conditions and ground water levels) of the measures that the development would include to prevent the development resulting in unacceptable impacts on drainage and ground and surface water conditions in the area shall be submitted to and approved in writing by the Local Planning Authority. The development hereby consented shall be implemented in full accordance with the details approved under this condition prior to its being occupied or brought into use.
- 18) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority. No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.
- 19) No development shall take place until a scheme of hard and soft landscaping to the front forecourt area and the rear boundary, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, has been submitted to and agreed in writing by the Local Planning Authority. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.
- 20) 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.

- 21) 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.
- 22) 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.