

Barnet Local Plan EIP – Note on Extensions and Basements - policies CDH05 and CDH06

Reason for producing this Note

On Wednesday 2nd November at the hearing session's, consideration of Matter 8 – Character, Design and Heritage, Inspector Wildgoose requested provision of a note covering:

- Clarify what is meant by an extension. Does CDH05 apply just to extensions to existing planning units (e.g. single-story extension), or is it also intended to apply where a building is added (e.g. new dwelling physically attached to a row of terraces)?
- Does CDH06 only apply to basement additions? Considering renaming policy and the hearing at para 6.20. Is policy intended to apply to residential and non-residential development.
- In CDH06, where there is no visual impact, is a subordinate approach required? Potentially modify to clarify that this is not always the case.
- Reflect on merits of cross-references to CDH01, CDH07, ECC01 and ECC02 for both policies.
- Review any overlap between CDH05 and CDH06, tests and thresholds. Ensure consistency with the supporting text (e.g. 6.19.3 “resists” significant adverse impacts on amenity, whereas policy says avoid “adverse impacts”).
- Clarify if CDH05(e) is a necessary requirement for non-residential development?
- Clarify if necessary for both CDH05(a) and (b) to refer to scale, and other parts to refer to materials.
- Should CDH05(b) also refer to very tall buildings? Particular wording and regard to tall buildings, as would potentially involve several planning units being extended/new units being created.
- CDH05(i), is this necessary having regard to other parts of the plan, and how will significant cumulative impacts be assessed? What does “environmental quality” mean?
- Should CDH06 (h) be modified to ensure consistency with national policy position n.b. para 167 and footnote 55 of Framework?
- Thames Water requirements. Is it more appropriate for CDH06 rather than SPD to set out a specific requirement for pumping devices?
- As highlighted with CDH01 there is inconsistency with London Plan lower ceiling heights. Review CDH06(f). Clarification of minimum headroom.
- CDH06(a) should refer to trees as well as tree roots. Modification to this effect.
- Clarify CDH05(e) and CDH06 (b) on amenity space and justify 50% threshold for latter
- Wider point for Local Plan MIQ 5(f), use of SPDs. Are modifications needed to say “have due regard”. Does the reference to SPDs at the beginning of each policy suggest that the SPDs have a greater purpose than guidance?

The following format has been used in this Note to denote further proposed modifications to the submission version of plan as revised by the proposed modifications listed in EXAM 4.

~~Strikethrough text~~ to indicate text proposed for removal.

Underlined text to indicate additional text.

Background

This Note sets out explanations for aspects of the wording of the policy and supporting text for Policy CDH05 and CDH06 in the draft Barnet Local Plan, further proposed modifications seeking to ensure clarity and consistency with the London Plan and the NPPF.

Considerations

- 1) Clarify what is meant by an extension? Does CDH05 apply just to extensions to existing planning units (e.g. single-story extension), or is it also intended to apply where a building is added (e.g. new dwelling physically attached to a row of terraces)?**

The Council highlights that para 6.19.3 states that “policy CDH05 applies to all extensions, commercial, public as well as residential uses”. The Council considers that there are merits in adding further clarification as follows:

Policy CDH05 applies to all extensions, commercial, public as well as residential uses It is therefore intended to apply to extensions to any building, including extensions to create new residential units.

This is also reflected in a modification to the opening of Policy CDH05.

- 2) Does CDH06 only apply to basement additions? Considering renaming policy and the heading at para 6.20. Is policy intended to apply to residential and non-residential development?**

The Council confirms that CDH06 applies to all subterranean development be it basement extensions to residential and non-residential development or light wells or basement light shafts. To clarify this the following modifications (including renaming CDH06) are proposed:

6.20 Basements development

Para 6.20.1

~~Basement development, or extensions that go beyond permitted development rights, and which involve excavation of land, helps create additional space for homes.~~ The construction of new basements or any extensions to existing basements which involve excavation of the land, help create additional space for existing residential and non-residential buildings.

However, the excavation involved in basement development can also have implications for ground water conditions leading to ground instability and/or increased flood risk and water table problems for the roots of existing well established trees.

Policy CDH06 Basements Development

- 3) In CDH06, where there is no visual impact, is a subordinate approach required? Potentially modify to clarify that this is not always the case.**

The Council considers that the subordinate approach is to deter large basement extensions to smaller properties where the size of the basement may exceed the size of the original

building, taking into account also any previous extensions. Policy CDH06 focuses on controlling the size, use and the environmental impacts of basements. This is to ensure that from a planning perspective they provide an acceptable accommodation solution for their occupants and do not significantly adversely impact on the character of an area and the amenity of neighbours. It is proposed to amend the wording of CDH06 (d) to clarify this.

CDH06(d): "Be subordinate in size to the property being extended ~~and~~. Any exposed areas of basement should respect ~~its~~ the property's original design, character and proportions for any visible aspects of the extension;

4) Reflect on merits of cross-references to CDH01, CDH07, ECC01 and ECC02 for both policies.

The Council acknowledges that there are merits in adding cross-references to these policies. There are occasions when an extension to an existing house for example would reduce the availability of garden space to below minimum requirements. These matters should be considerations for extensions to existing dwellings. Extensions to provide additional residential space would also need to meet floor and amenity space standards for example.

Additional criteria l) at Policy CDH05

Extensions to buildings will be considered with regard to Local Plan policies CDH01, CDH07, ECC01 and ECC02.

Additional criteria kk) at Policy CDH05

Basement Development will be considered with regard to Local Plan policies CDH01, CDH07, ECC01 and ECC02.

5) Review any overlap between CDH05 and CDH06, tests and thresholds. Ensure consistency with the supporting text (e.g. 6.19.3 "resists" significant adverse impacts on amenity, whereas policy says avoid "adverse impacts").

The Council highlights that there is no reference in the supporting text for CDH05 and CDH06 with regards to 'resists'. There is no mention of 'resists' in para 6.19.3. The Council is not aware of any inconsistency of approach between CDH05 and CDH06, however it acknowledges that there are merits in providing further clarification at CDH05(f) as follows

CDH05

f) Avoid significant adverse impacts on the sunlight/daylight to neighbouring properties.

6) Clarify if CDH05(e) is a necessary requirement for non-residential development?

The Council considers that it is a necessary requirement for the retention of landscaping around non-residential development However it is recognized that CDH05(e) will benefit from further clarification to reflect different considerations for residential and non-residential development:

Retain satisfactory amenity space and landscaping :

-i) For non-residential development this means ensuring soft landscaping is retained where important to ensure development responds sensitively to distinctive local character and design.

-ii) Extensions to existing residential buildings should not reduce amenity space provision below the standards set out in Table 11.

As a consequence CDH05(k) would therefore no longer be necessary and would be deleted.

~~Extensions to existing properties should not result in amenity space provision falling below the standards set out in Table 11.~~

7) Clarify if necessary for both CDH05(a) and (b) to refer to scale, and other parts to refer to materials.

After further consideration of this matter, an amendment is proposed to remove reference to 'scale' in CDH05(a) and 'materials' in CDH05(c) as set out below.

8) Should CDH05(b) also refer to very tall buildings. Particular wording and regard to tall buildings, as would potentially involve several planning units being extended/new units being created.

A modification is proposed to incorporate reference to very tall buildings.

"Be subordinate to the existing building in terms of size, scale and height and in the case of upward extensions of tall or very tall buildings, comply with Policy CDH04."

9) CDH05(i), is this necessary having regard to other parts of the Plan, and how will significant cumulative impacts be assessed. What does "environmental quality" mean?

The Council acknowledges that CDH05(i) does not contribute to the effectiveness of the policy and therefore should be deleted. Reference to environmental quality relates to issues which are addressed under other policies of the Plan.

10) Should CDH06 (h) be modified to ensure consistency with national policy position? NB. para 167 and footnote 55 of Framework.

The Council considers that reference should be made to flood risk as set out in the NPPF. Wording to be amended to CDH06(h)

~~Not be located in Flood Zone 3B. Be accompanied by a Flood Risk Assessment where required by the NPPF"~~

11) Thames Water requirements. Is it more appropriate for CDH06 rather than SPD to set out a specific requirement for pumping devices?

Thames Water have requested that the Policy is strengthened by requiring all basement development to incorporate a positively pumped device or other suitable flood prevention device to avoid the risk of sewage backflows which can cause sewer flooding. This is because the wastewater network may surcharge to ground level during storm conditions. Such measures are required in order to comply with the NPPF which highlights the need to avoid flooding and also in the interests of good building practise as recognised in Part H of the Building Regulations. The Council notes that this is not a requirement under the Building Regulations. The Council have reviewed other recently adopted local plans and note no policy requirement. The Council therefore considers that as a requirement cannot be justified it is more appropriate for it to be highlighted as best practice, setting out more detailed guidance in the forthcoming Sustainable Design and Development Guidance SPD.

12) As highlighted with CDH01 there is inconsistency with London Plan lower ceiling heights. Review CDH06(f). Clarification of minimum headroom.

The Council notes that London Plan Policy D6: states

8) The minimum floor to ceiling height must be 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling.”

The Council acknowledges that there should be consistency with the London Plan and proposes the following modification :

All habitable rooms within basement accommodation should ~~have minimum headroom of 2.5 metres;~~ comply with the minimum ceiling height standards set out in the London Plan”;

13) CDH06(a) should refer to trees as well as tree roots.

After due consideration the Council proposes to make the following modification:

a) Ensure that trees and tree roots on or adjoining the site are not damaged; “

14) Clarify CDH05(e) and CDH06 (b) on amenity space and justify 50% threshold for latter

CDH05(e) requires that the outdoor amenity space is not reduced below the minimum levels required for the size of the residential unit. This is clarified by the proposed modification to CDH05 (e) and deletion of CDH05(k). This is set out in the Summary of Modifications below.

With regards to CDH06(b) the reference to retaining 50% of the amenity space is to ensure a basement proposal does not result in the loss of a significant proportion of the overall garden area to ensure that the character of back gardens is maintained. This is a different consideration to the one in relation to whether a basement would retain sufficient amenity space to serve the occupiers. This is carried forward from the Council’s Residential Design Guidance SPD. The objective is to ensure that the character of the area is not impacted significantly, the policy would want to control the loss of garden space.

15) Wider point for Local Plan MIQ 5(f), use of SPDs. Are modifications needed to say “have due regard”. Does the reference to SPDs at the beginning of each policy suggest that the SPDs have a greater purpose than guidance.

The Council as part of the Proposed Modifications is reviewing all SPD references in Local Plan policies. It agrees that ‘due regard’ is more appropriate wording than ‘in accordance’ and also that there are merits in moving references to SPDs to the conclusion of the policy. The opening to CDH05 requires further change

The Council will consider proposals for extensions to any building on the following basis.

Summary of Modifications to CDH05 - Extensions

~~Proposals for extensions should follow good design principles in accordance with the Sustainable Design and development Guidance SPD.~~ The Council will consider proposals for extensions to any building on the following basis. Measures such as green roofs and

small scale renewable energy infrastructure that improve the sustainability of buildings will be encouraged. Extensions to buildings properties should:

a) Complement the character of the existing building, particularly in terms of ~~scale~~, style, form and materials.

b) Be subordinate to the existing building in terms of size, scale ~~or~~ and height and in the case of upward extensions of tall or very tall buildings, comply with Policy CDH04.

c) Incorporate a roof profile ~~and materials~~ sympathetic to the existing property.

d) Maintain an acceptable outlook and adequate spacing between any surrounding buildings.

e) Retain satisfactory amenity space and landscaping:

~~-i) For non-residential development this means ensuring soft landscaping is retained where important to ensure development responds sensitively to distinctive local character and design~~

~~-ii) Extensions to existing residential buildings properties should not reduce amenity space provision below the standards set out in Table 11.~~

f) Avoid significant adverse impacts on the sunlight/daylight to neighbouring properties.

g) Maintain or improve the appearance of the locality or street scene.

h) Respect the privacy of surrounding residents, having regard to the position of windows, layout/use of rooms, any changes in land levels, floor levels and boundary treatment.

~~i) Not result in a significant cumulative impact on the environmental quality of the area.~~

j) Improve energy efficiency and incorporates renewable sources of energy.

~~k) Extensions to existing residential properties should not reduce amenity space provision below the standards set out in Table 11.~~

kk) Measures such as green roofs and small scale renewable energy infrastructure that improve the sustainability of buildings will be encouraged.

Proposals for extensions should follow good design principles. This includes having due regard to any relevant SPD which may be extant addressing matters of sustainable design.

Summary of Modifications to CDH06 – Basements Development

~~Proposals for basements should follow good design principles in accordance with the Sustainable Design and Development Guidance SPD. Basement development proposals to buildings properties should:~~

a) Ensure that trees and tree roots on or adjoining the site are not damaged;

~~b) Ensure that not more than 50% of the amenity space (garden or front court yard) is removed; the character of back gardens is retained. For new residential development, basements should generally be limited to the proposed footprint and volume of the house or building. In larger buildings with extensive plots it may be possible to extend under part of the rear garden. It will be necessary to ensure that a mature garden can be established and~~

maintained above the basement and generally retain at least 50 per cent of the rear garden area free of subterranean development and at its original ground level.

- c) Have no demonstrable adverse impact on neighbouring ground water conditions.
- d) Be subordinate in size to the property being ~~extended and respect its original design, character and proportions for any visible aspects of the extension;~~. Any exposed areas of basement should respect the property's original design, character and proportions for any visible aspects of the extension;
- e) Ensure railings, grilles and other light-well treatments avoid creating visual clutter and detracting from an existing frontage or boundary wall, or obscuring front windows;
- f) Be able to function properly for the purpose intended, with rooms of an adequate size and shape receiving natural lighting and ventilation. All habitable rooms within basement accommodation should have minimum headroom of 2.5 metres comply with the minimum ceiling height standards set out in the London Plan;
- g) Consider impact of forecourt parking on light to basement windows; and
- h) ~~Not be located in Flood Zone 3B.~~ Be accompanied by a Flood Risk Assessment where required by the NPPF

Proposals for basements should follow good design principles. This includes having due regard to any relevant SPD which may be extant addressing matters of sustainable design. .

Conclusion

The Council invites the Inspectors to consider and recommend that the Council makes the additional further modifications set out in this paper recognising that those considered to be Main Modifications will need to be formally consulted upon following the examination hearing sessions.