

MEETING

HENDON AREA PLANNING COMMITTEE

DATE AND TIME

TUESDAY 16TH JUNE, 2015

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4AX

TO: MEMBERS OF HENDON AREA PLANNING COMMITTEE (Quorum 3)

Chairman: Maureen Braun

Vice Chairman: Brian Gordon

Councillors

Claire Farrier	Sury Khatri Hugh Rayner	Gill Sargeant Agnes Slocombe
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Substitute Members

Tom Davey	Val Duschinsky	Helena Hart
Devra Kay	Charlie O-Macauley	Mark Shooter
	Zakia Zubairi	

You are requested to attend the above meeting for which an agenda is attached.

Andrew Charlwood – Head of Governance

Governance Service contact: Jan Natynczyk jan.natynczyk@barnet.gov.uk 020 8359 5129

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	MINUTES	1 - 2
2.	ABSENCE OF MEMBERS (IF ANY)	
3.	DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)	
4.	PUBLIC QUESTION AND COMMENTS (IF ANY)	
5.	MEMBERS' ITEMS (IF ANY)	
6.	87-89 Brent Street (Hendon Ward)	3 - 12
7.	Reports of the Assistant Director of Development Management and Building Control	
8.	Any Item(s) the Chairman decides are urgent	

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Decisions of the Hendon Area Planning Committee

29 April 2015

Members Present:-

AGENDA ITEM 1

Councillor Maureen Braun (Chairman)
Councillor Brian Gordon (Vice-Chairman)

Councillor Claire Farrier
Councillor Sury Khatri

Councillor Gill Sargeant
Councillor Agnes Slocombe

1. MINUTES

RESOLVED that the minutes of the meeting held on 1 April 2015, be agreed as a correct record and signed by the Chairman, subject to the following amendment:

Minute 3 – Declaration of Members’ Disclosable Pecuniary Interests and Non-Pecuniary Interests: 59-61 Broadway

Add Mill Hill Preservation Society to Councillor Khatri’s declaration.

2. ABSENCE OF MEMBERS (IF ANY)

Councillor Rayner had sent his apology as he was on Mayoral duty.

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)

None.

4. PUBLIC QUESTION AND COMMENTS (IF ANY)

None.

5. MEMBERS' ITEMS (IF ANY)

None.

6. EDGWAREBURY COURT, EDGWAREBURY LANE, EDGWARE (EDGWARE WARD)

The Committee considered the report and were advised verbally by Officers of the following amendments:

Condition 1

Reference to Drawing EC/100 replaced with EC/100B.

Condition 5

a) No development shall take place on site until a scheme for the parking and turning of vehicles in connection with the development hereby approved has been submitted to and approved in writing by the Local Planning Authority.

b) The turning and parking spaces shall be provided and marked out within the site in accordance with the scheme approved as part of this condition prior to the first occupation of the development hereby approved and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles in connection with the approved development.

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

It was proposed that the application be deferred to allow the Committee to consider further details of the application in relation to parking and insulation.

For: 3

Against: 3

The Chairman used her casting vote to vote against the proposal.

The motion was lost.

It was proposed that the application be approved, subject to the conditions detailed in the report and the amendments to Condition 1 and Condition 5.

For: 4

Against: 1

Abstained: 1

RESOLVED that the application be approved, subject to the conditions detailed in the report and the amendments to Condition 1 and Condition 5 as detailed above.

7. REPORT OF THE ASSISTANT DIRECTOR OF DEVELOPMENT MANAGEMENT AND BUILDING CONTROL

There was not a report.

8. ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT

Councillor Gordon thanked the Chairman, on behalf of the Committee, for her conduct of the meeting during the past Municipal Year.

The meeting finished at 19.27pm

Location **87-89 Brent Street London NW4 2DY**

Reference: **15/01936/FUL**

Received: 25th March 2015

AGENDA ITEM 6

Accepted: 7th April 2015

Ward: Hendon

Expiry 2nd June 2015

Applicant: Mr N. Sheinfeld

Proposal: Rear extension including new terrace to 1st, 2nd and 3rd floor. Erection of new floor level to provide 2no. self-contained flats. Provision of refuse/recycling facilities and bicycle storage and alterations to soft/hard landscaping

Recommendation: Refuse

- 1 The proposed roof extensions by reason of their height, scale, bulk, design and siting would disrupt the established building heights of this part of Brent Street and result in significant harm to the character of the streetscene and the surrounding area contrary to policies 3.5, 7.4 and 7.6 of the London Plan (Adopted 2011 and 2013), policy DM01 of the Barnet Development Management Policies DPD (2012) and policy CS5 of the Core Strategy (2012).

Informative(s):

- 1 The plans accompanying this application are:

Site Location Plan; 8789BS-PP1-01 Existing Plans and Elevations Block Plan; 8789BS-PP1-02 Proposed Plans and Elevations; Design and Access Statement

- 2 In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.

- 3 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor

space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2013 on all forms of development in Barnet except for a £0 per sq m rate for education and health developments. This planning application was assessed as liable for Mayoral CIL at this time.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 on residential and retail development in its area of authority. All other uses and ancillary car parking were set at a rate of £0 per sq m. This planning application was assessed as liable for Barnet CIL at this time.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail.

The assumed liable party will be sent a 'Liability Notice' providing full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the original applicant for permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice; also available from the Planning Portal website.

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of any appeal being allowed, please contact us: cil@barnet.gov.uk.

Relief or Exemption from CIL

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exceptional circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the

documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

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

Officer's Assessment

1. Site Description

The application site is located on the western side of Brent Street, in the Hendon ward.

The application site spans two existing units in a terrace parade within the Brent Street Primary Retail frontage. The site is comprised of commercial premises to the ground floor with some residential accommodation on the upper floors.

The site is not located within a Conservation Area and the individual property is not Statutory Listed.

2. Site History

Reference: H/03385/13

Address: 87-89 Brent Street, London, NW4 2DY

Decision: Refused

Decision Date: 27 September 2013

Description: Creation of an additional storey by way of crown roof extension with front, side rear dormer windows to form 2 self-contained flats. Internal alterations to ground floor storage areas to be reinstated with render finish.

Reference: W00679L/00

Address: 89 Brent Street, London, NW4 2DY

Decision: Approved

Decision Date: 14 February 2000

Description: Installation of new shopfront & provision of extract duct to roof level on the rear elevation.

Reference: W00679K/00

Address: 89 Brent Street, London, NW4 2DY

Decision: Approved subject to conditions

Decision Date: 31 January 2000

Description: Internally illuminated fascia and projecting box sign

3. Proposal

This application seeks consent for a rear extension including new terrace to 1st, 2nd and 3rd floor. Erection of new floor level to provide 2no. self-contained flats. Provision of refuse/recycling facilities and bicycle storage and alterations to soft/hard landscaping.

The proposed zinc clad additional storey would measure 2.7m in height across the full width of the existing building, and be set back from the main front elevation by 2.8m, providing terraced amenity space to the proposed new units at this level.

4. Public Consultation

Consultation letters were sent to 145 neighbouring properties.
0 responses have been received.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2015

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS1, CS3, CS4, CS5
- Relevant Development Management Policies: DM01, DM02, DM08, DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues in this case are considered to be:

- o Whether the proposed conversion would harm the character of the locality and neighbouring amenity
- o Whether the extension would harm the character and appearance of the existing building, the street scene and the wider locality
- o Whether the extension would harm the living conditions of neighbouring residents;

5.3 Assessment of proposals

Whether the proposed conversion would harm the character of the locality and neighbouring amenity

The principle of providing additional residential accommodation in this location is not considered in itself to be unacceptable. The National Planning Policy Framework, indicates that the character of an area is made up of much more than its physical appearance, but includes how it functions and contributes to local identity and sense of place. Taking account of such considerations, the proposal to provide additional accommodation would not be contrary to this objective. The property is sited in an area with a mixed character comprising of both commercial and residential units. The property itself already has residential flats above the commercial units at ground floor level.

The proposed extensions are not considered to give rise to any loss of amenity to the neighbouring residential occupiers. The additional windows within the extended roof would not result in any overlooking or loss of privacy.

Amenity of future occupiers

It is considered that the current application complies with the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan 2015 and is considered to provide adequate internal space for future occupiers.

At third floor one of the existing two bedroom units would be altered to become a one bedroom unit of 62sqm with private balcony to the rear provided for amenity space. This would meet the minimum gross internal area for a one bedroom unit.

Within the additional storey one two bedroom flat would be provided of 62sqm with private balcony provided to the front for amenity space. In addition, one, one bedroom unit would be provided of 52sqm with private balcony provided to the front for amenity space. This would meet the minimum gross internal areas for a one bedroom and two bedroom units.

Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. The applicant should achieve the required sound insulation levels; this will be enforced by an appropriate condition attached to the decision. The proposed internal stacking is considered appropriate and acceptable, helping to ensure a minimum of noise disturbance between the units.

There would be no on site amenity space provided for a number of the existing residential units and as such the proposal does not comply Development Management Policies 2012 (DMP) with Policy DM02 or table 2.3 of the Council's Sustainable Design and Construction document (2013). However, given these are existing units, the sites town centre location and the current situation with none of the residential flats along this part of the parade benefitting from on-site amenity space it is not considered that this would warrant a reason for refusal.

Appropriate facilities for recycling and refuse storage are shown to be provided at the rear of the site within the existing yard, along with cycle storage. The details provided are considered to be acceptable.

Impact of extensions on the character and appearance of the property and the surrounding area

CS policy CS5 and Development Management Policies 2012 (DMP) policy DM01 aim to protect Barnet's character and amenity with developments expected to create places and buildings of high quality design. Development is required to respect its context, demonstrate high levels of environmental awareness and be based on an understanding of local characteristics and appearance. These policies are in line with paragraph 56 of the National Planning Policy Framework 2012 (the Framework) that attaches great importance to the design of the built environment with good design expected to contribute positively to making places better for people.

At the rear of the site there exist two flat roofed single storey rear extensions, measuring approximately 2.5m - 3m depth. It is proposed to extend out on all floors above the existing flat roofs. The new extensions will accommodate additional floor space for the flatted units, as well as private balcony space for some units.

It is recognised that the works proposed to the rear of the building could help to improve the overall appearance of the building through removal of the flues and other clutter. However, it is considered that the harm caused by the additional storey, as detailed below does not outweigh the limited benefits which will only be enjoyed by occupiers to the rear of the site. The additional storey is considered to result in significant harm to the wider area and street scene.

An additional floor on the roof of the building would appear totally out of context, create a building substantially higher than the neighbouring buildings and have an unsatisfactory and dominating relationship to them. The design of the extension would appear incongruous within the streetscene. Although the front elevation of the new roof extension would be set back from the main front elevation, given the extended height above neighbouring buildings it would be visible in longer views and clearly visible from Foster Street to the rear. Thereby the extended block would harm the overall character and appearance of the area. Overall, the aims of CS policy CS5 and DMP policy DM01 together with Government policy in the Framework would not be met.

It is acknowledged that the neighbouring property Little House 93-95 Brent Street has a mansard roof with dormer windows within the roof so the principle of this form of roof design would not be entirely out of character, however, the resultant height of the mansard roof at Little House is comparable to the established building heights along Brent Street. The proposed roof extension at the application site would not respect the established building heights or styles along this part of Brent Street.

Based on the above considerations, the proposal by virtue of the scale, design and siting of the proposed roof extension, would form a dominant addition to the property which would be detrimental to the character and appearance of the street scene. The proposal would therefore be detrimental to the character and appearance of the property and surrounding area and is contrary to the National Planning Policy Framework, Barnet's Local Plan Development Management policies DM01, Core Strategy CS5 and Supplementary Residential Design Guidance 2013.

5.4 Response to Public Consultation

Nil.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that the proposal for additional storey to the existing building fails to comply with the Adopted Barnet Local Plan policies and guidance and would be out of character and appearance to the host property and the surrounding area to an unacceptable degree. The application is recommended for REFUSAL.



SCALE 1 : 1,250



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