

**LOCATION:** United Reformed Church, Chesterfield Road, Barnet, Herts  
**REFERENCE:** B/00800/13 **Received:** 26 February 2013  
**WARD(S):** Underhill **Accepted:** 20 March 2013  
**Expiry:** 15 May 2013

**Final Revisions:**

**APPLICANT:** Thames North Trust and Chesterfield Road URC  
**PROPOSAL:** Demolition of the existing Church, community rooms and hall and replacement with a new Church with basement; PV panels and a roof lantern. Construction of 8no. self contained residential units within a part single, part two and part three storey building with balconies including amenity space; associated hard and soft landscaping. Provision of off-street parking; cycle storage area and refuse.

**RECOMMENDATION: Refuse**

- 1 The proposed three-storey building comprising 8 flats would, by reason of its height, scale and location within the site, be unduly obtrusive and out of keeping in the context of the established neighbouring residential developments at Eleanor Gardens and Palmer Gardens, detrimental to the character and appearance of the area and the outlook of neighbouring residents, contrary to Policies 3.5 & 7.4 of the London Plan (2011), and Core Strategy Policies CSNPPF & CS5 and Development Management Policy DM01 of the Barnet Local Plan (Adopted 2012).

**INFORMATIVE(S):**

- 1 The plans accompanying this application are: 263/P/01, 263/P/02A, 263/P/03, 263/P/04, 263/P/05, 263/P/06, 263/P/07, 263/P/08, 263/P/09, 263/P/10 & 263/P/11.
- 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 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 sought pre-application advice which was provided.

Amendments were suggested during the processing of the application.

Unfortunately amendments to incorporate the suggestions made were not submitted. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

- 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 the appeal process itself:

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £35 per sq m 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 a £23,555 payment under Mayoral CIL at this time.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m 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 a £90,855 payment under Barnet CIL at this time.

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.

If Affordable Housing Relief or Charitable Relief applies to this development, 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](http://www.planningportal.gov.uk/cil).

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](mailto:cil@barnet.gov.uk).

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework

The National Planning Policy Framework (NPPF) published on 27 March 2012 is a material consideration in planning decisions. Paragraph 14 identifies a presumption in favour of sustainable development.

Twelve core land-use planning principles that under-pin both plan-making and decision-taking are set out in para. 17. These include:

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

Good Design is recognised in para. 56 as a key aspect of sustainable development, it is indivisible from good planning, and should contribute positively to making places better for people.

In para. 58 it is stated that planning decisions should, amongst other things, ensure that developments;

- add to the quality of the area,
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation,
- are visually attractive as a result of good architecture and appropriate landscaping.

Para. 196 indicates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Para. 203 advises Local Planning Authorities to consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations, and that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

### The Development Plan - London Plan: July 2011 & Barnet Local Plan (Adopted September 2012)

The Development Plan for the area comprises the London Plan (LP), the Mayor's Spatial Development Strategy for Greater London published in July 2011, and the Barnet Local Plan Adopted September 2012.

LP Policy 3.5A requires housing developments to be of the highest quality internally, externally and in relation to their context and the wider environment taking account of strategic policies to protect and enhance London's residential environment and attractiveness as a place to live. Policy 3.5B indicates that the design of all new housing developments should enhance the quality of local places taking into account, amongst other things, physical context, local character and density. Policy 3.5C goes on to say that LDFs should incorporate minimum space standards that generally conform with Table 3.3. The Mayor will, and boroughs should, seek to ensure that new development reflects these standards. The design of all new dwellings should also take account of factors relating to 'arrival' at the building and the 'home as a place of retreat', and amongst other things, have adequately sized rooms and convenient and efficient room layouts, and meet the changing needs of Londoners over their lifetimes.

With regard to Housing Choice LP Policy 3.8 states that the strategic level Londoner's should have a genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environments. For planning decisions, taking account of housing requirements identified at regional, sub-regional and local level, boroughs should work with the Mayor and local communities to identify the range of needs likely to arise within their areas, and ensure, amongst other things, that new developments offer a range of housing choices, in terms of the mix of housing sizes and types, and that all new housing is built to "The Lifetime Homes" standards.

With regard to local character LP Policy 7.4A states that, development should have regard to the form, function, and structure of an area, place or street, and the scale, mass and orientation of surrounding buildings. The policy goes on to say at 7.4B that buildings should provide a high quality design response that, amongst other things, is informed by the surrounding historic environment.

LP Policy 8.3 states that the Mayor will bring forward a draft charging schedule in accordance with the Community Infrastructure Levy Regulations 2010 to enable him to use the CIL to fund strategically important infrastructure, initially focusing on Crossrail.

A Local Plan for Barnet, which is made up of a suite of documents including a Core Strategy and Development Management Policies Development Plan Document (DPD), was adopted by the Council on 11 September 2012.

### Local Plan Core Strategy

Policy CSNPPF National Planning Policy Framework - Presumption in favour of sustainable development states, amongst other things;

When considering development proposals we will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). The policy goes on to say that planning applications that accord with policies in Barnet's Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

#### Policy CS4 Providing quality homes & housing choice in Barnet

We will aim to create successful communities in Barnet by, amongst other things:

- seeking to ensure a mix of housing products in the affordable and market sectors to provide choice for all households and enable Barnet residents to progress on a housing journey that can meet the aspirations of home ownership.
- seeking to ensure that all new homes are built to Lifetime Homes Standards and that through extending the inclusive design principles embedded in Lifetime Homes we can create Lifetime Neighbourhoods that are welcoming, accessible, and inviting for everyone, regardless of age, or health, or disability.
- seeking a range of dwelling sizes and types of housing including family and lifetime homes that meets our identified housing priorities and does not undermine suburban character or local distinctiveness. Policy CS5 on Protecting and enhancing Barnet's character to create high quality places sets out how we will secure high quality design.

#### Policy CS5 Protecting & enhancing Barnet's character to create high quality places

We will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design. Developments should, amongst other things:

- address the principles, aims and objectives set out in the following national design guidance: By Design, Secured by Design, Safer Places, Inclusive Design, Lifetime Homes and Building for Life:
  - be safe, attractive and fully accessible
  - protect and enhance the gardens of residential properties
  - enhance the borough's high quality suburbs and historic areas through the provision of buildings of the highest quality that are sustainable and adaptable.
- All development should maximise the opportunity for community diversity, inclusion and cohesion and should contribute to people's sense of place, safety and security.

#### Policy CS10 Enabling inclusive & integrated community facilities and uses

We will work with our partners to ensure that community facilities including schools, libraries, leisure centres and pools, places of worship, arts and cultural facilities, community meeting places and facilities for younger and older people, are provided for Barnet's communities.

Development that increases the demand for community facilities and services is expected to make appropriate contributions towards new and accessible facilities, particularly within the regeneration and development areas of the borough or improving existing provision, particularly within town centres.

#### CS14 Dealing with our waste

We will encourage sustainable waste management by, amongst other things requiring developments to provide waste and recycling facilities which fit current and future collection practices and targets.

#### CS15 Delivering the Core Strategy

We will work with the Local Strategic Partnership (One Barnet Partnership Board) and other partners to deliver the vision, objectives and policies of this Core Strategy. We will, amongst other things, use planning obligations where appropriate alongside other suitable funding mechanisms to support the delivery of infrastructure, facilities and services to meet needs generated by development and mitigate the impact of

development.

#### Community Infrastructure Levy (CIL)

A CIL Charging Schedule for Barnet became effective on 1 May 2013. The Charging Schedule has been delivered following public consultation and examination. All new developments of 100 or more square meters or resulting in the creating of new dwellings will be subject to CIL. The purpose of Barnet's CIL is to secure capital funding to help address the gap in funding for local infrastructure. The money raised by Barnet's CIL will be used to pay for infrastructure required to mitigate the impact of development across the Borough. One of the main visions of CIL is to introduce transparency and certainty for developers. The money can be used to fund new or safer road schemes, schools, health and social care facilities, park improvements and leisure centres.

#### Local Plan Development Management Policies DPD

Policy DM01 Protecting Barnet's Character and amenity states, amongst other things;

- a. All development should represent high quality design which demonstrates high levels of environmental awareness and contributes to climate change mitigation and adaptation.
- b. Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.
- e. Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.
- g. Development proposals should retain outdoor amenity space having regard to its character.
- j. Development proposals will be required to include hard and soft landscaping that:
  - i. is well laid out in terms of access, car parking and landscaping
  - ii. considers the impact of hardstandings on character
  - iii. achieve a suitable visual setting for the building
  - iv. provide an appropriate level of new habitat including tree and shrub planting
  - v. make a positive contribution to the surrounding area
  - vi. contributes to biodiversity including the retention of existing wildlife habitat and trees
  - vii. adequately protects existing trees and their root systems.

#### Policy DM02 Development Standards

Where appropriate, development will be expected to demonstrate compliance with the following national and London wide standards supported by the guidance set out in the Council's suite of Supplementary Planning Documents:

1. By Design, the CABI urban design principles
2. Lifetime Homes, the 16 design criteria required by the London Plan Policy 3.8
3. Code for Sustainable Homes, the national standard for sustainable homes
4. BREEAM, the environmental assessment method for non residential development
5. Wheelchair accessibility, the London Plan Policy 3.8
6. Minimum floor space, the London Plan Policy 3.5
7. Outdoor amenity space, the Sustainable Design and Construction SPD

8. Secured by Design, the national Police initiative
9. Play space, the London Plan Policy 3.6.

#### Policy DM03 Accessibility & inclusive design

Development proposals should meet the highest standards of accessible and inclusive design by demonstrating that they meet the following principles:

- i. can be used safely, easily and with dignity by all regardless of disability, age, gender, ethnicity or economic circumstances
- ii. are convenient and welcoming with no disabling barriers, so everyone can use them independently without undue effort, separation or special treatment
- iii. are flexible and responsive taking account of what different people say they need and want, so people can use them in different ways
- iv. are realistic, offering more than one solution to help balance everyone's needs, recognising that one solution may not work for all.

#### Policy DM08 Ensuring a variety of sizes of new homes to meet housing need

Development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough. Our dwelling size priorities are:

- i. For social rented housing – homes with 3 bedrooms are the highest priority
- ii. For intermediate affordable housing – homes with 3/4 bedrooms are the highest priority
- iii. For market housing – homes with 4 bedrooms are the highest priority, homes with 3 bedrooms are a medium priority.

#### Policy DM17 Travel Impact and parking standards states, amongst other things;

##### a: Road safety

The council will ensure that the safety of all road users is taken into account when considering development proposals, and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users.

##### g: Parking management

1. The council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi detached houses and flats (4 or more bedrooms);
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

The policy goes on to say that residential development may be acceptable with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be demonstrated through a survey that there is sufficient on street parking capacity.

#### Supplementary Planning Documents (SPD's)

A "Residential Design Guidance" SPD was adopted in April 2013, following public consultation. Part 1 to the SPD provides a background to residential design in Barnet, with Section 2 identifying the planning policy context, Section 3 Barnet's residential character, and Section 4 principles of good design. Part 2 of the SPD

relates to the design aspects for new residential development in Barnet, with Section 5 referring to housing density & building form, Section 6 the enhancement of local character, Section 7 safeguarding residential amenity, Section 8 outdoor spaces, Section 9 structure & layout, Section 10 movement & accessibility, and Section 11 car parking, cycle storage, & waste storage.

A "Sustainable Design & Construction" SPD was adopted in April 2013 (updating the SD&C SPD first published in 2007), following public consultation. Section 1 provides a background to the SPD with Section 2 setting out sustainable design and construction requirements and guidance relating to (amongst other things) minimum residential space standards, internal layout & design, outdoor amenity space, daylight, privacy, outlook & light pollution, Lifetime Homes, wheelchair housing, flood risk, and the Code for Sustainable Homes.

#### Relevant Planning History:

Application LPA ref. N01000R/07, sought full planning permission for "Demolition of existing church, erection of part two, part three storey building to accommodate 9 No. self contained flats and two storey church to rear of site. Provision of car parking spaces and landscaping" at United Reformed Church, Chesterfield Road, Barnet. Permission was refused by the LPA on 19 December 2007 and an appeal lodged.

Application LPA ref. N01000S/08, sought full planning permission for "Demolition of existing church, erection of two part two, part three storey buildings to accommodate 9 No. self contained flats and Church – part two storey, to the rear of the site. Provision of car parking spaces and landscaped amenity area" at United Reformed Church, Chesterfield Road, Barnet. As a decision was not reached within the statutory period an appeal was lodged.

The appeals in respect of the above applications were dismissed on 8 October 2008.

#### Consultations and Views Expressed:

Neighbours Consulted: 131

Neighbours Wishing To Speak: 0

7 letters / emails have been received in which objections are raised. The objections can be summarised as:

- The area around the church is too built up. The Church ground is too small. The residential nature of the area will be adversely affected.
- A 2 or 3 storey building and the church will overlook the gardens and indoor living space of Whitings Road houses, causing loss of privacy. The community hall will be used for a variety of purposes and will be open until 10.30 pm. This will impact on our rights of privacy as there will be lots of activity which will be largely unmanaged. Currently the site is peaceful and quiet. Existing health conditions will be affected by the loss of privacy.
- Loss of light. The height of the flats will block light from surrounding houses. The new community hall is much taller and broader than what is currently on site resulting in a loss of light to neighbouring patio / garden area. Our garden is south facing and the proposed building will affect this.
- There is already enough traffic in the area. The level of traffic will get worse with



the proposed development. Whittings Road has too many parked cars. The development will have an effect on traffic, parking and access. Residents vehicles will be entering and parking in an already congested area. Visitors will require spaces to park. Where are people going to park when all parking spaces are taken up on site? Parking is already a problem. Insufficient parking spaces are proposed. The spaces allocated to the Church will not be enough.

- This area is a bus route and busy at all times. Traffic is already bad with the bus stop where it is in front of the site. It is hard enough now for cars to exit Eleanor / Palmer Gardens and for elderly to cross the road. Drivers exiting the site will have a restricted view to the right as up to three buses at a time are parked at the bus stop in front of the site. This is going to make exiting very difficult and possibly dangerous. There is a school nearby and at all times of the day parents with small children and prams travel by foot in this area. The calmness of the area has been affected by traffic and will get worse. More congestion on the roads will increase the danger for these people. Major disruption will be caused in an already busy road while demolition and building works are being carried out.
- Noise and disturbance will increase. The hall could be rented out to young people for parties. It is already bad enough with the amount of youths that gather around the Chesterfield area. The area is known as a crime hot spot. Even if the community room is closed at 10.30 pm there will still be people who have to clear up and will leave later. This would be disturbing for residents of Eleanor Gardens. Health issues will be affected. The pedestrian access to the flats is next door to a residential property and could cause disturbance.
- Concerns about security.
- Can't see why a new church is needed as the one there now is not used enough to warrant a new one.
- There is nothing wrong with the existing building.
- Planning permission should not be granted as nothing has changed since the last appeal was dismissed.
- During demolition and construction the noise and dust is going to be a problem for all local householders, but especially the older residents of Eleanor Gardens and Palmer Gardens.
- There have been issues relating to foul drains in the area being blocked and the development could aggravate this.

A petition from 26 residents of properties at 1-10 Eleanor Gardens, 1-11 Palmer Gardens & 87 Chesterfield Road objecting to the proposals raises the following concerns which they ask to be taken into consideration:

- We are nervous and concerned about the Health & Safety problem which will be caused by the disturbance to the rodents on the site, which will be displaced during the demolition. The rodents will be trying to establish a new habitat and our scheme will be the first in line in their search.
- The proposed apartments, which in places will be three storeys high, will be intrusive, busy and noisy and will cause loss of privacy and light to our scheme. 8-10 Eleanor gardens, 1-6 Palmer gardens and 87 Chesterfield Road will be particularly affected by yet another cramped and overbearing development.
- Issues identified in the previous appeal decision have been highlighted. These apply to the new planning application.

- As the apartments are mostly three bedrooms they are obviously aimed at the family market and will possibly end up on the rental market. If this happens the high number of people occupying each flat, and the noise and disturbance they generate bearing in mind there is totally inadequate green amenity areas and parking spaces plus a Church and Hall we are extremely worried about what our quality of life will be.
- There is only one parking space allocated to each flat, realistically allowing for visitors and tradesmen this is totally inadequate and we fear our scheme will take any overspill. Parking and traffic congestion is already a huge problem here due mainly to overflow parking from Barnet General and local bus stops. To cross the road to the shops and to use the buses is already very hazardous for us due to parked buses and local traffic especially when children who attend the local school are going to school and coming home. It will be made even more dangerous by the extra traffic/congestion/parking problems that this proposed busy site will cause.
- We feel the site would be better served and would blend in to the local area if it were to be developed with accommodation for retired people.
- The proposed new Church Hall and part of the apartment block is going to be situated literally feet from 87 Chesterfield Road and 10 Eleanor Gardens. The Church Wardens would need to impose a strict curfew on activities allowed in the hall especially in the evenings to alleviate any disturbance, noise and nuisance. The residents of 87 Chesterfield Road and 1 Eleanor Gardens already have to deal with the harassment of late night buses.

30 letters / emails have been received in support of the proposals. The comments made can be summarised as:

- The proposed church and facilities will allow for greater use by youth groups, the disabled, and residents / the community than is possible at present. The development will improve the life of the church and local community. A new church would mean so much to the members of the congregation. The scheme will enable the Church mission to work alongside an increased community involvement. The existing layout and changes in levels create challenges for the disabled and elderly and the building doesn't serve the community to the full. Parts of the church are inaccessible to many. Elderly and disabled occupiers of Eleanor Gardens and Palmer Gardens properties could use the proposed facilities.
- The church is extremely beneficial to the community. It is a wonderful place for social gatherings for the elderly. The development will allow the church to continue and be part of the community for the foreseeable future. The church is situated in the heart of the community, and in an ideal place for a community facility. There is a vital need for improved premises as the community desperately needs it. The facilities could be hired out to local people. There are a number of clubs that wish to use the hall but due to its current facilities and condition this is not possible. New facilities could bring hope, service, joy and care to those around who need it. It would be a tragedy if the Church disappeared from the area.
- The current building is badly in need of updating, making them more fit for purpose. The current church building is in a state of disrepair. The church is in desperate need of rebuilding and modernising so that it can continue to be the

hub of the community. The building is too big for the current congregation and structurally requires large sums of money to be spent on it. The roof leaks, it is too cold in winter and too hot in summer. It has become increasingly impractical to hold events and weekly services due to the building being uneconomical to heat. Patch-up repairs will not work for much longer. A new building is the only way forward. Refurbishment is not a viable option. The existing building does not meet Local Authority standards for hiring.

- The proposed church and facilities would be cheaper to run and maintain than the existing buildings.
- The scheme would allow the new church / community hall to be built free of charge. The small number of flats would enable this new community building to be built. I believe it will be far more cost effective to knock the existing building down and start from scratch.
- The addition of residential accommodation will help the surrounding community and benefit security and inclusivity of the whole site, which at present gives a very vulnerable appearance.
- The scheme would provide new homes on valuable wasted space. The new residences will benefit people looking for new homes in the area. The housing will provide social housing at affordable rents. The residential use would be an extremely good use of the land.
- It is not going to be a major development and will only enhance the look of the area. The streetscene would be enhanced by a modern building which compliments the surroundings.
- This is a particularly well assembled and perceptive proposal that is both clever and carefully crafted. 1. The proposal neatly picks up on the principal building lines set by its neighbour to the south, providing both continuity and coherence of built form to its neighbour. 2. The proposal is successful in generating a considerable sense of space, both in the way the residential main amenity space relates to the indentation on the Eleanor Palmer footprint to the South and in the way the residential building is clearly separated from the community/Church premises. 3. The car park provides hard landscape balance to the soft landscape it complements and the whole space works attractively with further definition being afforded by the pergola feature. 4. With regard to outlook this is a particularly successful piece of organisation which has been arranged to avoid overlooking. 5. On the NW and NE frontages the two buildings are offset by their foreground landscaping such that more effective use is made of previously developed land while at the same time enhancing the immediate character and townscape. 6. The windows on the north elevation have been arranged so that, notwithstanding the considerable length of the rear gardens adjoining the site, there is no overlooking whatsoever. This elevation has also been carefully arranged into different planes so that scale is introduced. These lengthy gardens are also extensively tree lined which provides useful shading and separation. On other matters the 3D modelling and context shows a sensitivity in streetscape interrelationship that promises well and the apartment building behind steps carefully through a single and two storey wing to the second floor level. The community/church building steps articulately upwards towards the greater mass of the crossroads while stepping down conversely towards the Eleanor Palmer cottages. The success of the overall handling of the components is clear from the birds eye views and I have no doubt this is a proposal confidently and competently handled. I have no doubt in saying it is a high quality scheme that I

trust officers will support.

- I cannot believe Barnet Council would be so short sighted as to refuse this admirable and necessary development.

Petitions in support of the proposed development comprising 70 signatures refer to the following:

- The proposal includes a new Church building and community rooms which will greatly enhance the local area not only visually, but also by the facilities that it will be able to offer to the community at large.
- Interesting and varied activities are offered at the Pilots club that currently takes place on the Church premises and is open to local children in the form of an after school club. Further to this the monthly Family Night offers family orientated evenings for the benefit of local families. The continuation of the Church is fundamental to these clubs remaining in this area.
- The new buildings conform to modern specifications and as such will provide all inclusive facilities for Church members, visitors and members of the local community.
- The increased housing is much needed in the area and will be adding to the boroughs housing stock with no loss of open space to the public as the area being used for the residences is not currently open to public use, and is only visible by properties directly adjacent to the Church premises.
- The plans take into account environmental and green issues and incorporated them into the designs including renewable energy, garden areas, reduction in energy usage by the Church due to the use of improved materials.
- The new design of the Church takes into account the current users. Activities that take place at the Church are currently restricted by the Council but the new building will be available to be enjoyed by a wider audience. The new Church premises would be able to fulfil the need of community groups (such as mother and toddler groups) which are full to capacity.
- The Church is well located. It is served by very good public transport links with one bus route terminating outside the Church.
- It is crucial for the survival of the Church that the development is moved forward. The Church has had a strong membership at Chesterfield Road over the years. It gives support to those in need, generally being a positive feature as well as recognised landmark in the local area. The development of the new Church will add to the future of the local community and should be approved.

Date of Site Notice: 04 April 2013

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The roughly rectangular shaped site has a width of between 26 - 27m. and a depth of between 58 - 70m. (site area approx. 0.17 hectare). The existing main building, originating from the early 1900's comprises the worship space, a linked hall and kitchen, meeting rooms and toilets. A detached hall at the rear is of a prefabricated construction with a double pitched corrugated asbestos roof. The main church building, which is part single / part two storey in scale, is sited about 8m back from

the Chesterfield Road frontage, with the hall sited behind, towards the middle of the site. The land to the rear of the church hall lies to the rear of No's 8 - 10 Eleanor Gardens and the rear garden boundary of the houses at 1-9 Whitings Road which have rear garden depths of over 28m. The carriageway and parking area to Palmer Gardens adjoins the rear boundary of the site.

The undeveloped nature of the rear of the site provides a spacious character to the established development and an open aspect in the outlook from neighbouring properties, particularly those within Eleanor Gardens and at No's 1-3 Palmer Gardens.

1.75m high close-boarded timber fences enclose the south-east and north-west boundaries, with the Chesterfield Road boundary marked by a 1.8m high chain-link fence.

There are vehicular accesses to each side of the frontage of the site with parking for about 4 cars to the front of the main church building. There are no specifically designated cycle spaces.

Two bus routes (184 & 384) run along Chesterfield Road. There is a bus stop in front of the property at 87 Chesterfield Road which adjoins the application site, and it is common for more than one bus to be waiting at this point in the road at any one time. Kerbside waiting restrictions apply on this side of Chesterfield Road (from the existing south-east vehicular access to the site up to the Whitings Road junction) between the hours of 8 am. to 6.30 pm. on Mondays to Saturdays.

The site is located within a predominantly residential area, with three storey blocks of flats around the junction of Chesterfield Road / Whitings Road, chalet style semi-detached housing to the north-west of the site on Whitings Road, single and two storey sheltered housing on Palmer Gardens / Eleanor Gardens, and two storey semi-detached housing on Chesterfield Road. There are some local shops below the flats on the corner of Chesterfield Road and Bells Hill. With the exception of the developments at Chesterfield Flats and the Eleanor Gardens / Palmer Gardens, which have communal open areas around them, the houses are characterised by being set back from the highway and their generous rear gardens form a spacious setting for the buildings and provide space between them. A stand of trees within the grounds of No's 9 - 20 Chesterfield Flats screens them in views from the application site.

#### Proposal:

All of the existing buildings will be demolished and replaced with new Church and community facilities financed by enabling residential accommodation in a predominantly three storey building, comprising 7 three-bedroom flats (6 x 86 sq.m. & 1 x 88 sq.m.) and 1 two-bedroom flat (63 sq.m.), sited behind the new Church building.

Four car parking spaces (including one space for the disabled) are proposed for use by the Church with eight spaces (one disabled) for the flats. Ten cycle spaces are proposed for use by the church / community facility and an internal store for ten bicycles is proposed for the residents of the flats

The church and community facility building would have a gross internal area of 400sq.m. and provide an area for worship, a community hall, meeting rooms, kitchen, tea point, circulation area, accessible toilet facilities, and storage within the roof and basement. The building, which would be set back between 6m - 6.6m from the Chesterfield Road boundary on a similar building line to No. 87 Chesterfield Road, would be 24m wide by 10m deep by a maximum 9.8m high. The building would be sited about 1.8m from the boundary with 87 Chesterfield Road and to within about 0.4m of the boundary with Chesterfield Flats.

The residential building will be predominantly three storey with a flat roof (overall height about 9.2m) with the part closest to the Eleanor Gardens properties reducing to two and single storey with a hipped roof. It would have a T-shaped footprint and be sited some 2.8m from the boundary with 1-9 Whitings Road (apart from the single storey bicycle store which would be on the boundary), 1.4m from the boundary close to 8-10 Eleanor Gardens, and a minimum of 3m from the rear boundary with Palmer Gardens.

External materials proposed will be:

Church and Community building;

Walls – Fairface multi stock brickwork, ceramic tiles

Roof – Sedum, Terne coated stainless steel, plain clay tiles

Joinery – aluminium / natural timber

Rainwater goods – black powder coated cast aluminium

Residential building:

Walls – Fairface multi stock brickwork, composite panel

Roof – Sedum, plain clay tiles

Joinery – aluminium / natural timber

Balconies – Timber (larch), glass, aluminium

Rainwater goods – black powder coated cast aluminium

Solar panels are proposed on the roof of both buildings.

Vehicle circulation and parking areas will be defined by different coloured block paved areas. The paths to the residential building will be of a light coloured paving below a pergola structure of brick piers and timber.

External artificial lighting is proposed from the site boundary to the building entry points.

The church and residential amenity areas will be laid to grass and planted with low maintenance and durable hedging and shrubs. Each of the upper floor flats would have its own private amenity space in the form of a balcony (3.6m x 2.4m) as well as access to a communal amenity space of about 163 sq.m. adjacent to the rear boundary of the Eleanor Gardens properties. Further open grassed amenity areas would be provided around the building up to the boundaries with Palmer Gardens and the gardens to the adjacent Whitings Road houses. There are a number of trees around the site within neighbouring properties. A hawthorn and Japanese Cherry within the site are proposed to be removed. Four new trees are proposed

close to the boundary with Eleanor Gardens properties.

The north-west and south-east boundaries will retain the existing timber close-boarded fencing.

The needs of disabled and elderly residents / users will be met by level surfaces of non-slip materials. The development has been designed to comply with the Building Regulations, BS8300, the Equality Act 2010, and the residential elements of the Lifetime Homes standards.

The applicant considers the development to be sustainable in both its construction and use, and that it will embrace good practice principles with regard to low energy use and will be fully accessible..

Planning Considerations:

The main issues are considered to be the effect of the proposed development on:

- the character and appearance of the area, and
- the living conditions of neighbouring residents, with particular regard to outlook.

### **Character and appearance**

Under Local Plan Core Strategy Policy CS5 the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design. Developments should, amongst other things, enhance the borough's high quality suburbs and historic areas through the provision of buildings of the highest quality that are sustainable and adaptable.

Local Plan Development Management Policy DM01 Protecting Barnet's Character and Amenity requires, amongst other things: b. Development proposals should be based on an understanding of local characteristics and should preserve or enhance local character. The Council's adopted Residential Design Guidance recognises that an area's character may be derived from a range of attributes, including built form, architectural style, pattern, layout, space around buildings, landscaping, trees, streetscape, materials and uses/activity.

Development Management Policy DM01 j states that development proposals will be required to include hard and soft landscaping that, amongst other things, achieves a suitable visual setting for the building and makes a positive contribution to the area. As the building would cover the majority of the site there would be no space around the building for landscaping to achieve the requirements of the policy.

The Council's adopted Residential Design Guidance SPD at para. 6.1 recognises that an area's character may be derived from a range of attributes, including built form, architectural style, pattern, layout, space around buildings, landscaping & trees, streetscape, materials and uses / activity. The Council require new development to respect and enhance the positive features of Barnet's character and local distinctiveness. At para. 6.6 the SPD states that the design & layout of new development should be informed by the local pattern of development. The continuity of building lines, forecourt depths, road layout, space about the building & rear

garden areas are all likely to be significant factors when developing sites within existing residential areas.

The new church and community building would result in a built development across the width of the plot of a larger scale compared to the existing situation where there is greater space particularly to the north-west side of the part single, part two storey building, however it is considered that the new building would acceptably reflect the height and character of existing development and would not harm the character of the area and appearance of the street scene.

When dismissing the appeals in 2008 relating to applications ref. N01000R/07 & N01000S/08 the Inspector noted "in each case the proposed development would be in stark contrast to the small and intimate design of the buildings of the sheltered accommodation in Eleanor Gardens and Palmer Gardens, which it would dominate."

Whilst the proposed development has undergone various changes since the dismissal of the appeals, including the resiting of the church and community facilities towards the front of the site, and reduction in the overall size of the development, it is considered that a three storey residential building of considerable size and bulk sited towards the rear of the site and in close proximity to established developments of a more modest scale, would not preserve or enhance the character and appearance of the area. As such the development would be contrary to adopted planning policies.

### **Living conditions of neighbouring residents**

Local Plan Policy DM01 e requires, amongst other things that development proposals be designed to allow for adequate outlook for adjoining occupiers.

The policy and adopted Residential Design Guidance do not provide any information with regard to assessment and therefore a judgement needs to be made by the decision maker in each case. Having regard to the size, scale and siting of the residential building towards the rear of the site, which would be located in close proximity to neighbouring properties in Eleanor Gardens and Palmer Gardens which currently have a relatively open outlook, it is considered that the building would be dominant and obtrusive, and adequate outlook would not be maintained for neighbouring residents. Significant harm would be caused to the living conditions of neighbouring residents contrary to adopted planning policy.

### **Other issues**

Shortcomings of the development relating to outlook, overlooking and privacy between windows within the development and from balconies, and location / adequacy of refuse facilities could be addressed by amendments secured by way of conditions if permission were to be granted, or changes in a revised scheme.

## **3. COMMENTS ON OBJECTIONS**

- Flats intrusive because of size of building – See appraisal and reasons for refusal.
- Loss of privacy – There are some windows proposed within two of the upper floor



flats that would face towards the rear of the Eleanor Gardens properties, however the combination of distance from the boundary, existing fencing to be retained and new planting would restrict the potential for harmful overlooking. The retention of existing fencing and planting would prevent any harmful loss of privacy by overlooking from persons within the site at ground level. It is considered that screening to some of the balconies would be necessary to preclude overlooking of the gardens of Whitings Road properties. This could be achieved by a condition if permission were to be granted. The only windows at upper floor levels in the elevation of the residential building facing the rear gardens of Whitings Road properties are to a staircase and these could be obscure glazed / unopenable, and the subject of a condition if permission were to be granted.

- Loss of light – Although the residential building would cause some overshadowing of the gardens of the Whitings Road properties to the west / north-west side this would not be so significant as to warrant the refusal of planning permission. The residential building would be to the west / north-west of the Eleanor Gardens properties and whilst some overshadowing of the rear of these properties may arise it would not be so harmful that refusal of the application would be justified.
- Noise and disturbance – The Church and community building and the inclusion of flats and car parking within the site would result in an increase in activity compared to the present situation however it would be difficult to demonstrate that any significant harm would arise. If permission were to be granted the hours of use of the Church / community facilities could be controlled by way of a condition.
- Increased parking & traffic – It is acknowledged that the proposal would result in additional car parking within the site than at present, and that there would be an increase in traffic in the vicinity, however it would be difficult to demonstrate that the development would cause danger to pedestrians. The number of parking spaces proposed for the residential part of the scheme meets the Council's parking standards and even though the use of the Church / community facilities is likely to generate a demand for kerbside parking it is considered that it would be difficult to justify a requirement for additional onsite parking in view of the existing use of the site and parking facilities provided.
- Inadequate amenity area – Para. 3.8.1 of the Local Plan Development Management Policies DPD recognises that the provision of outdoor amenity space is an important consideration for residential development, and that residential units with insufficient garden outdoor amenity space are unlikely to provide good living conditions for future occupiers. With regard to outdoor amenity space Local Plan Policy DM02 expects, where appropriate, development to demonstrate compliance with the Sustainable Design and Construction SPD. Para. 2.3.1 of the SPD states that outdoor amenity space is highly valued and suitable provision will help to protect and improve the living standards of residents as well as contribute to maintaining and enhancing the wider character of the borough. Residential units with insufficient garden or amenity space are unlikely to provide good living conditions for future occupiers. For houses, amenity space should be provided in the form of individual rear gardens. For flats, options include provision communally around buildings or on roofs or as balconies. Whatever option is chosen it must be usable. Table 2.3 indicates a requirement for flats of 5 sq.m. per habitable room. Furthermore Section 8 of the

Residential Design Guidance SPD recognises that the provision of outdoor amenity space is vital in Barnet and a key consideration for new residential developments, and that private amenity space for the exclusive use of building occupants is a highly valued asset which contributes to the quality of life. It is considered that the amenity areas proposed meet the Council's requirements for the residential units proposed and that satisfactory living conditions would be provided for future occupiers

- Issues during demolition and construction including disturbance of rodents – If permission were to be granted a condition requiring a construction method statement would be necessary. The disturbance of rodents is not a planning matter.
- Issues relating to blocked drains – This is not an issue that in the context of the current planning application could be regarded as a reason to withhold the permission sought.
- Security – It is considered that the proposed development would not compromise the security of neighbouring properties.
- The flats should be for retired people – Although the flats would adjoin the residential developments of Eleanor Gardens and Palmer Gardens which are occupied by elderly persons it is considered that refusal of planning permission could not be justified on grounds that the occupation of the flats by persons other than the elderly would cause harm. It would be unreasonable to restrict the occupation by way of a condition if permission were to be granted

#### **4. EQUALITIES AND DIVERSITY ISSUES**

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

#### **5. CONCLUSION**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise. The relevant policies in the adopted Barnet Local Plan (Core Strategy and Development Management Policies DPD) are consistent with the policies in the NPPF and the London Plan. Substantial weight should be given to the Local Plan policies referred to.

The contribution of the church and the facilities for the community, and the residential part of the development to the viability of the scheme and the housing stock, is recognised, however these supporting factors are not considered to outweigh the harm that would be caused to the character of the area and the outlook of neighbouring residents. As such the development would be contrary to adopted planning policies.

**SITE LOCATION PLAN:**  
Barnet, Herts

**United Reformed Church, Chesterfield Road,**

**REFERENCE:**

**B/00800/13**



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