

LOCATION: 179A Victoria Road, Barnet, Herts, EN4 9PA

REFERENCE: B/00548/14

Received: 01 February 2014

Accepted: 31 January 2014

WARD(S): East Barnet

Expiry: 28 March 2014

Final Revisions:

APPLICANT: M Gear (Engineering) Ltd

PROPOSAL: Demolition of existing buildings and the construction of 1no. two-storey detached dwelling and 2no. two-storey semi-detached dwellings. Provision of off-street parking, refuse storage and amenity space.

RECOMMENDATION: Refuse

- 1 The proposed buildings, by reason of their size, siting, and proximity to the site boundaries, in combination with the small size of the resultant plots, would appear as a cramped, visually obtrusive and contrived development. It would not reflect the size and character of neighbouring development, and would be detrimental to the character and appearance of the locality. The proposal is contrary to Policies CS NPPF, CS1 and CS5 of the adopted Local Plan Core Strategy (September 2012), to Policies DM01 and DM02 of the adopted Local Plan Development Management Policies DPD (September 2012) and to the adopted Residential Design Guidance SPD (2013).
- 2 The proposed building on Plot 1 by reason of its height, depth and proximity to the boundary with neighbouring property No.173 Victoria Road, would appear prominent, overbearing and visually intrusive when viewed from the rear garden of No.173 Victoria Road. The proposal would therefore be detrimental to the amenities of the occupants of these neighbouring properties, and contrary to Policies CS NPPF and CS5 of the Local Plan Core Strategy (adopted September 2012), to Policy DM01 of the Development Management Policies DPD (adopted September 2012) and to the adopted Residential Design Guidance SPD (2013).
- 3 The proposed development, by reason of the length and width of the access road and the inability to provide an easily accessible refuse collection point on site fails to meet the principles of accessible and inclusive design, contrary to the requirements of policy 7.2 of the Mayors London Plan (July 2011) and policy DM03 of Barnet's adopted Local Plan Development Management Policies DPD (September 2012).
- 4 The creation of a bin collection point at the front of 177 Victoria Road would require the removal of the existing front wall and hedge and would be out of

character for the surrounding area. The proposal would be contrary to Policy DM01 of the adopted Development Management Policies DPD (2012) and to guidance contained in the adopted Residential Design Guidance SPD (2013) and adopted Sustainable Design and Construction SPD (2013).

INFORMATIVE(S):

- 1 The plans accompanying this application are: 841-SPL-001 PL1; 841-SPL-101 PL1; 841-SPL-202 PL1; 841-SPL-203 PL1; 841-SPL-250 PL1; 841-SPL-251 PL1; 841-SPL-252 PL1; 841-SPL260 PL1; 841-SPL-261 PL1; Refuse Strategy Pre Application Advice by RDT Design dated January 2014; Residential Development Proposals by JB Planning Associates; Refuse Strategy Pre Application Advice by RDT Design dated January 2014; Noise Impact Assessment by M. Gear Engineering ltd dated 31.08.2011; marketing information from Maunder Taylor; Access Appraisal by WSP dated 22.08.12; 841-SPL-201 PL1; 841-SPL-200 PL1; 841-SPL-100 PL1; Design and Access Statement by RDT design dated January 2014; TS11-211P\1; Sustainability Checklist by RDT Design dated Dec 2012.
- 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.
- 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 £36.72 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 £12,233.95 payment under Mayoral CIL at this time.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £141.63 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 £47,188.10 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.

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.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The Mayor's London Plan: July 2011

Core Strategy DPD (Adopted) 2012: CS NPPF; CS 1; CS 4; CS 5

Development Management Policies DPD (Adopted) 2012: DM01; DM02; DM03; DM04; DM08; DM14; DM17

Residential Design Guidance SPD (Adopted) 2013

Sustainable Design and Construction SPD (Adopted) 2013

Relevant Planning History:

Site Address: 181A Victoria Road NEW BARNET
Application Number: N11683A
Application Type: Outline Application
Decision: Refuse
Decision Date: 16/03/1999
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Redevelopment of vehicle repair yard with the erection of 2 three-storey blocks of studio flats totalling 16 units with associated access and parking. (Outline Application).**

Case Officer:

Site Address: 179A Victoria Road, Barnet, Herts, EN4 9PA
Application Number: B/00157/11/ENQ
Application Type: Pre-Application Enquiry
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Construction of 1 detached and 2 semi-detached houses.**
Case Officer: Lisa Cheung

Site Address: 179A Victoria Road, Barnet, Herts, EN4 9PA
Application Number: B/00029/13
Application Type: Full Application
Decision: Refuse
Decision Date: 08/03/2013
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing buildings and the construction of 1no. two storey detached dwellinghouse and 2no. two storey plus rooms in the roofspace semi-detached dwellinghouses. associated amenity space, refuse storage and car parking spaces.**

Case Officer: Lisa Cheung

Site Address: 179A Victoria Road, Barnet, Herts, EN4 9PA
Application Number: B/00548/14
Application Type: Full Application
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing buildings and the construction of 1no. two-storey detached dwelling and 2no. two-storey semi-detached dwellings. Provision of off-street parking, refuse storage and amenity space.**

Case Officer: James Stone

Consultations and Views Expressed:

Neighbours Consulted: 102 Replies: 1 letter of objection
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- lack of parking

Date of Site Notice: 20 February 2014

2. PLANNING APPRAISAL

The application has been referred to the East-Area Sub Committee at the request of Cllr Rams for the following reasons:

'I consider that the proposals are in character with the appearance of the locality and reflect the size and character of neighbouring development. I consider the proposal will not be detrimental to the neighbouring properties. I therefore support this scheme. Given the current use I think it would be an improvement to the existing site and therefore would like the application to be determined by committee.'

Site Description and Surroundings:

The application site relates to a large plot of land located on the eastern side of Victoria Road. The land is occupied by an assortment of single storey flat roofed buildings which are currently occupied by an Engineering Company who have occupied these premises for a long period of time. The existing building is wholly commercial in character and appearance. The site is landlocked in that it is surrounded by built form on all sides and access is provided via a narrow access road from Victoria Road. This site sits behind No's 177 and 179 Victoria Road, a pair of semi-detached residential properties. The rear gardens of these properties are shorter than neighbouring properties to the north.

This area is now predominantly residential in character however historically has been mixed with both residential and commercial uses operating side by side.

Adjacent site No.181 Victoria Road to the south is also used for commercial purposes and has a number of buildings on the site which have been used for various uses within the B/B2/B8 use classes. Planning permission has been granted for the redevelopment of this site to provide residential dwellings and office units. There are purpose built blocks of local authority flats to the south east, residential properties in Victoria Close to the rear and rear gardens of properties along Victoria Road to the north.

Proposal:

The application seeks permission for the demolition of the existing commercial buildings and for the erection of a pair of semi-detached dwellings (both 3 bedrooms) and for the erection of a detached dwelling (2 bedrooms). The existing access to the site would be used to provide vehicular access to the site. A turning head would be provided at the rear of 177/179 Victoria Road along with the provision of 2 parking spaces and a bin store. The scheme also includes the provision of a bin store for collection days at the front of 177 Victoria Road (the applicant also owns 177 Victoria Road). A third parking space would be provided adjacent to the proposed detached dwelling along the southern boundary.

The dwellings at plots 1 and 2 would have an approximate height of 8m whilst the proposed dwelling at plot 3 would have an approximate height of 7m. Plot 1 would be located approximately 2m from the boundary with 173 Victoria Road whilst Plot 3 would also be located approximately 2m from the boundary with the premises to the south. The rear elevations of the proposed dwellings would be located at a maximum of 17m and a minimum of 3m from the rear boundary.

It should be noted that a similar scheme, which was also for the erection of a pair of semi-detached dwellings and a detached dwelling, was refused at the site under ref: B/00029/13. The main differences between the refused scheme and the current proposal relate to the design of the dwellings but it should be noted that the layout of the overall scheme is still very similar.

B/00029/13 was refused because:

- 1) The proposed buildings, by reason of their size, siting, and proximity to the site boundaries, in combination with the small size of the resultant plots, would appear as a cramped, visually obtrusive and contrived development. It would not reflect the size and character of neighbouring development, and would be detrimental to the character and appearance of the locality.
- 2) The proposed building on Plot 1 by reason of its height, depth and proximity to the boundary with neighbouring property No.173 Victoria Road, would appear prominent, overbearing and visually intrusive when viewed from the rear garden of No.173 Victoria Road.
- 3) The proposed development, by reason of the length and width of the access road does not provide an adequate refuse collection point on site.
- 4) The proposed development fails to provide adequate quality and usable amenity space for the new dwellings detrimental to the amenities of the future and existing occupiers of these dwellings
- 5) The development does not include a formal undertaking to meet the extra health, education and libraries services costs together with associated monitoring costs arising as a result of the development

It is considered that all of these reasons for refusal still apply to the current application apart from the 4th and 5th reasons. The 4th reason for refusal is explained in more detail below but the 5th reason for refusal is no longer relevant because of the introduction of the Community Infrastructure Levy (CIL). S106 contributions are not required as part of the current application.

Planning Considerations:

Loss of employment

The proposal would see the loss of employment on this site. Policy DM14 seeks to protect existing employment sites unless it can be demonstrated, via an effective marketing exercise, that there is no interest in the site for employment purposes. The Council will only permit the loss of a B Class use where it can be demonstrated to the council's satisfaction that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of effective marketing has been undertaken.

It is considered that the site has been effectively marketed with little interest and no

offers. It has been demonstrated that there is no interest in this site for employment purposes and given the site constraints, the loss of employment use is considered to be acceptable.

Principle of residential use on the site

This area is now predominantly residential in character and so a residential use on this site is considered to be acceptable.

Design and layout of the development

There are serious constraints to development on this site and whilst it is considered that dwellings can be achieved on this site, the proposed 3no dwellings are considered to result in a cramped form of overdevelopment. The site is not only small but is awkwardly shaped which means that the size and location of any dwellings on this site must be given serious consideration. The pattern of development in this area is somewhat scattered as a result of the creation of closes and cul-de-sacs over the years. However most of the properties, especially those in close proximity to this backland site, are similar in size, scale and design. There are also ample gardens to the rear of these properties. The proposed dwellings are significant in their size when compared to the plot sizes. With regards to the dwellings on Plots 2 and 3 in particular, the depth of the dwellings is similar to the depth of the rear garden. The overall development, given the proximity to boundaries, particularly the rear boundaries and the northern boundary is cramped and out of character with the pattern of existing neighbouring development. There is very little spacing between the pair of semi-detached dwellings and the detached dwelling plus there is little spacing between the dwelling on Plot 1 and the boundary with No.173 Victoria Road (further issues in respect of this relationship are discussed later on). The development is not in keeping with the pattern and layout of neighbouring development. The design of the rear gardens, governed by the awkward shape of the site is not in keeping with the layout of neighbouring sites which is that of relatively long gardens. These issues were raised under ref: B/00029/13 and it is not considered that they have been adequately addressed under the current proposal.

The size of the dwellings is also out of keeping with the size of the dwellings around the site. The detached dwelling would be of a similar height at 7m however the pair of semi-detached dwellings would have a height of 8.2m to the ridge. Not only are the roofs of these dwellings disproportionate when compared to the overall size of the properties, appearing at odds with neighbouring properties but because they are higher, they would appear overly dominant and visually obtrusive when viewed from neighbouring properties and their rear gardens, harmful to the character and appearance of the application site and surrounding locality. It is accepted that the height of the proposed dwellings has been reduced when compared to the refused scheme B/00029/13, and that the design of the dwellings has been changed from gable-ended to hipped roof to reduce the massing, but the dwellings are still considered to be overly dominant.

The design principle of hipped roofs is acceptable because of the existence of numerous other hipped roof properties along Victoria Road.

Part of Local Plan policy DM01 states that 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. This proposal fails to do this and instead results in an isolated stand alone incongruous unsympathetic development which fails to harmonise with what is around it.

Residential amenity

The dwelling on Plot 1 given its size, height and proximity to the boundary would be overbearing and overly dominant, resulting in a sense of enclosure. The applicants have attempted to reduce the impact of the dwelling by changing the roof to a hipped design but it is still considered that given the close proximity of plot 1 to the boundary that it would still have an unacceptable impact on the amenity enjoyed by the residents of 173 Victoria Road.

In new residential development there should be a minimum distance of 21 meters between properties with facing windows to habitable rooms to avoid overlooking and 10.5m to a neighbouring garden. This development backs onto a car garage site and so the distance of 10.5m to a neighbouring garden does not apply here to the rear of the site however the site sits behind No.177 and 179 Victoria Road. The dwelling on Plot 1 meets the required distance of 10.5m to the rear garden of No.177 however habitable room windows in the front elevation of the dwelling on Plot 2 would only be 10m away from the rear garden of No.179. These standards are the absolute minimum and no shortfall will be supported. As such, this element of the proposal raises serious concerns about overlooking from the dwelling on Plot 2 to the rear garden of No.179 and it is considered the current layout and positioning of habitable room windows would have a significantly adverse impact on the amenities of those living at No.179, resulting in a loss of privacy, reducing the quality and usability of the garden area. Whilst it could be argued that there is built form to the rear of this garden and has been for many years, the existing buildings are single storey. Introducing large dwellings to the rear within 10.5m of the rear garden will allow for opportunities for overlooking and subsequent loss of privacy, not currently experienced. The development therefore fails to comply with the requirements set out in the Councils draft SPD - Residential Design Guide and there is no justification for non compliance.

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 and poor quality amenity space are unlikely to provide good living conditions for future occupiers. The Sustainable Design and Construction SPD (2013) requires at least 40m² of amenity space for houses with four or less habitable rooms. Plot 3 has 3 habitable rooms whilst plots 1 and 2 have 4 habitable rooms. All three plots would provide adequately sized and easily accessible rear amenity space.

A noise survey was submitted as part of the current and previous applications given potential noise issues from neighbouring sites. The Councils Environmental Health Team reviewed the noise report under the previous application and concluded that whilst the site is located in a noisy area, this can be mitigated with appropriate construction methods and ventilation/glazing systems. As such, no objections are raised on noise and disturbance grounds from surrounding uses.

Parking and refuse

The parking provision is in accordance with the parking standards and the continued use of the access road for vehicle and pedestrian access is considered acceptable on highways grounds. However the vehicle access will not allow refuse vehicles to enter and turn within the site. As such, in order for refuse to be collected, the bins would have to be wheeled to the front of 177 Victoria Road on collection day. There are concerns with regards to the management of this process, ensuring that the occupiers bring the bins back into the site once they have been emptied however it is accepted that people putting their bins out for collection is a very common occurrence and as such, it does not form a reason for refusal however there are concerns about the inclusiveness of this part of the scheme. Local plan policy DM03 requires development proposals to meet the highest standards of accessible and inclusive design by demonstrating that they can be used safely, easily and with dignity by all regardless of disability, age, gender, ethnicity or economic circumstances and are convenient and welcoming with no disabling barriers so everyone can use them independently without undue effort, separation or special treatment. Wheeling a refuse bin which will have refuse in it along an access road which is 35m long and not wide enough to provide a separate pedestrian footpath will not be safe or easy for all to do. This arrangement would require undue effort which conflicts with the requirements of policy DM03.

The applicant has attempted to address the fact that the bin stores would be located at a significant distance from the public highway by incorporating land at the front of 177 Victoria Road which would be used as a bin collection point on the day of collection. In the submitted refuse statement the applicant has explained that the refuse department at Barnet Council are in acceptance of the locations of the proposed bin store. However, this proposition is considered unacceptable in planning terms for numerous reasons. Firstly, the bin store would require the removal of the existing front wall and hedge and would be out of character for the surrounding area. Secondly, the proposed arrangement does not overcome the problem raised under ref: B/00029/13 which is that not everyone would be necessarily able to wheel a bin for the distance required to the collection point. In fact, the current proposal would require the wheeling of bins over a greater distance than was proposed under the refused application.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Covered in report.

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

The proposal is not considered to comply with the Council's adopted policies and guidance, and is therefore recommended for refusal.

SITE LOCATION PLAN: 179A Victoria Road, Barnet, Herts, EN4 9PA

REFERENCE: B/00548/14



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2013. All rights reserved. Ordnance Survey Licence number LA100017674.