

Location **229-231 Hale Lane Edgware HA8 9QF**

Reference: **15/02579/FUL** Received: 24th April 2015
Accepted: 14th May 2015

Ward: Hale Expiry 9th July 2015

Applicant: Mr Steve Hewitt

Proposal: Demolition of existing dwellings and erection of 9 no. two bedroom apartments with associated parking and landscaping

Recommendation: Refuse

- 1 The proposal by virtue of its scale and detailed design (including the use of grey brick and timber cladding) would form an overly dominant, visually obtrusive and cramped form of development that would be out of keeping with and detrimental to the character and appearance of the general street scene and wider locality. The proposal would therefore be contrary to the National Planning Policy Framework 2012, Policy DM01 of the Adopted Development Management Policies DPD 2012 and the Council's Residential Design Guidance Supplementary Planning Document 2013.

- 2 The proposal by virtue of its siting close to the rear boundary and layout incorporating large areas for car parking would form a visually obtrusive development that would be out of keeping with and detrimental to the character and appearance of the general street scene and wider locality and would constitute overdevelopment of the site. The proposal would therefore be contrary to the National Planning Policy Framework 2012, Policy DM01 of the Adopted Development Management Policies DPD 2012 and the Council's Residential Design Guidance Supplementary Planning Document 2013.

- 3 The proposed access to the front hardstanding located to the east of the site and impeded by the traffic island would reduce the effectiveness of access and egress from the site which would be detrimental to the safety and freeflow of vehicular traffic contrary to Policy DM17 of the Development Management Plan Policies.

Informative(s):

- 1 The plans accompanying this application are: Site plan; PL-01 Rev A; PL-02 Rev A; PL-03 Rev A; PL-04 Rev A; PL-05 Rev A; PL-06; PL-07; PL-08; PL-09; PL-10
- 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 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 £19,880 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 £76,880 payment under 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 exception 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 relates to two individual detached dwelling houses on the southern side of Hale Lane. The site is located within a predominantly residential area predominantly characterised by large detached family dwellings. These dwellings are interspersed with much larger recently built flatted blocks. One of these recent developments is situated to the immediate west of the site and is laid out as two blocks with 17 flats in total and basement parking.

Each property within the application site contains a hardstanding area for car parking and a rear garden. The property at 231 Hale Lane has a mature conifer screen to the rear separating the site from 99 Penshurst Gardens and planting to the side boundary with 233 Hale Lane. The rear elevation of 227 Hale Lane is orientated towards the boundary of 229 Hale Lane and its rear garden wraps around the rear of 229 Hale Lane. Land levels drop from west to east along Hale Lane.

There is a traffic island directly outside 227 Hale Lane which prevents easy access and egress to and from this property into both lanes on Hale Lane.

The site is not located in a conservation area and there are no statutory or locally listed buildings on or near this site.

2. Site History

Reference: H/03295/08

Address: 231 Hale Lane, Edgware, HA8 9QF

Decision: Refused

Decision Date: 29 October 2008

Description: Alterations to front elevation involving new front entrance and new balcony at first floor level. Two storey rear extension and construction of additional floor-over with mansard style roof to provide a three storey building and conversion of property into 6 self-contained flats.

Reference: H/01646/09

Address: 231 Hale Lane, Edgware, HA8 9QF

Decision: Refused

Decision Date: 7 July 2009

Description: Front canopy over existing entrance. An additional storey to existing dwelling creating a 2nd floor. Three-storey rear extension. Conversion from single dwelling into 5 self-contained flats.

Reference: W05198A/06

Address: 227 Hale Lane, Edgware, HA8 9QF

Decision: Approved subject to conditions

Decision Date: 15 January 2007

Description: Demolition of existing garage and erection of a two-storey side extension. Front single, part two storey rear extension. Front porch.

Reference: W05198B/07

Address: 227 Hale Lane, Edgware, HA8 9QF

Decision: Unlawful

Decision Date: 9 May 2007
Description: Single storey side extension

Reference: W05198C/07
Address: 227 Hale Lane, Edgware, HA8 9QF
Decision: Lawful
Decision Date: 20 July 2007
Description: Single storey side extension, following demolition of existing garage.

3. Proposal

Planning permission is sought for the demolition of the two existing dwellings and the redevelopment of the site to form a three storey flat roof building accommodating nine x two bedroom flats on the site.

The proposed development would be constructed from dark and light grey brick with timber glazing to front and rear elevations. The proposed development would have a width of 21.6m, a depth of 17.6m and a height of 10.3m. Because of the curvature in the road at this point of Hale Lane, the footprint would be set back varying depths from the edge of the pavement. Adjacent to Lavender Court, the distance would be 22.0m however, close to 227 Hale Lane this would reduce to just 7.0m. The proposed development would provide car parking at the front of the property in the form of two separate hardstanding areas with 12 spaces in total which would occupy virtually the whole frontage area of the development. A communal garden area would be provided to the rear of the site although each unit would also have individual private balconies. Refuse and cycle storage would also be provided, accessible at the front elevation.

4. Public Consultation

Consultation letters were sent to 59 neighbouring properties.
11 responses have been received, comprising 10 letters of objection and 1 expression of support. 2 objectors have requested to speak at the Committee.

The objections received can be summarised as follows:

- The proposed development would give rise to a loss of light to windows in Lavender Court.
- The location of car parking immediately to the front close to the boundary with 233 Hale Lane would lead to car engines being highly audible to bedrooms windows in Lavender Court.
- The development would cause overlooking with subsequent loss of privacy.
- Hale Lane is already dangerously congested.
- The traffic island directly outside the property would restrict access and egress to and from the site.
- There isn't sufficient on street car parking capacity to accommodate the demand that would arise from the development within neighbouring streets.
- The proposed development would constitute overdevelopment of the site and the intensification of amenity impact.
- The design is unsympathetic to the character and appearance of the area.
- A smaller scheme for five units was refused a few years ago. The site cannot sustain nine units.
- The original site location plan/red line site was incorrect and it was shown to incorporate land belonging to another property without recognition through Certificate B.

- The garden of 227 Hale Lane would be overlooked with total loss of privacy.
- The proposal would prejudice the ability of 227 Hale Lane to implement a recent planning permission that was issued for the site.
- There has been no pre-application advice sought by the applicant with either the council or the neighbours.
- The application form is incorrect and there are irregularities in relation to access, trees, parking, drainage and sewerage.
- The development would give rise to poor outlook for the occupiers of 227 Hale Lane.
- The development would completely dominate 227 Hale Lane and Penshurst Gardens
- Too much important garden space would be lost at the rear of the property.
- The lack of visitor parking would generate overspill on to the highway causing harm to highway safety.
- The site would be capable of making a contribution towards affordable housing and none is provided in this instance.
- Insufficient information has been provided to assess the value of trees on the site. Therefore further protection will be required which will constrain the developable footprint of the site.
- The proposal does not constitute sustainable development.
- The London Borough of Barnet has exceeded its requirements for housing supply and there is no overriding housing supply requirement that outweighs other planning considerations.

This application has been called in to Committee by Councillors Braun and Davey on the grounds of scale and the character of development and also in light of the weight of objections received for this application.

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, CS4, CS5,
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM17

Supplementary Planning Documents

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 for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether the proposed development would give rise to an acceptable housing mix which would meet established housing needs.
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the proposed development would deliver a high quality standard of residential accommodation for future occupiers.
- Whether the proposed development would have an acceptable impact on the highway network.

5.3 Assessment of proposals

Planning permission is sought for the demolition of two existing detached dwellings and in their place, the erection of a three storey building to provide nine x two bed flats with 12 car parking spaces arranged over two separate parking areas accessed from Hale Lane.

The proposed development would be constructed principally from brick including light grey brick and dark grey brick. The front and rear elevations would also feature extensive use of timber cladding to provide articulation and definition to these elevations particularly in the context of proposed balconies.

Meeting housing need

The proposed development would deliver nine, two bed units in a singular block. This would contribute to the Council's housing delivery targets recently revised by the London Plan (2015). Although the Council has identified that its main strategic regeneration sites will contribute significantly to meeting these targets, it is considered that windfall sites and small sites should also supported to contribute to housing delivery in the plan period.

The London Borough of Barnet has identified that its priority housing need away from designated town centres and/or accessible locations is for family housing such as four and three bedroom properties. Smaller units and/or flats in areas predominantly characterised by larger family housing would normally be resisted. However a number of flatted blocks have been constructed in Hale Lane including the neighbouring scheme at Lavender Court and Blueberry Court which provides 16 units. Furthermore, the section of Hale Lane between Heather Walk and Farm Road, consists of 6 flatted developments and one school site which demonstrates and reflects the mixed development character within this section of Hale Lane and elsewhere.

It is considered that the proposal to provide nine, two bedroom units would contribute to the Borough's housing stock.

Design and appearance/character of the area

The proposed development would consist of a three storey flat roof building occupying the full width of the site comprising 229 and 231 Hale Lane. The proposed development would be designed in a contemporary manner that would differ from the established architectural character of the area.

This development would have a width of 21.3m and a depth of 17.6m. Due to the slope and change in land levels from west to east, the site would have a height of 9.5m at the boundary with 233 Hale Lane and 10.5m at the boundary with 227 Hale Lane. The building would be 2.5m higher than 227 Hale Lane, 4.9m away to the east.

The proposed development as one large block fails to respond to the character of development principles set out in policy DM01 of the Local Plan Development Management Policies DPD. Materials are discussed below. However, by virtue of the form, appearance and elevation detail, the proposed development would not be consistent with the architectural form of semi-detached and detached dwellings in Hale Lane and other neighbouring roads. Other large scale flatted schemes have been developed within Hale Lane. However, these have been constructed with reference to the general architectural form and character of original properties in Hale Lane including hipped roofs, forward projections from the front elevation which reflect existing buildings in Hale Lane. As a result, the proposed development would be visually dominant and incongruous within the streetscene and would not appear subordinate to its surroundings. The proposed building would be 2.5m higher than the adjoining property which would accentuate the visual dominance that this proposal would deliver.

The development is indisputably modern and would not respond to local design characteristics. The proposed development would be constructed from a materials palette that would fail to be consistent with the character and appearance of the area which is largely white render walls and red or grey/brown clay tiles. The use of dark and light grey brick and timber cladding would not be consistent with local distinctiveness. The use of timber cladding is unacceptable. Timber is not a sufficiently robust material and it ages, weathers and deteriorates badly which would consequently degrade the appearance of the building. Furthermore, the proposed development would also utilise fenestration that would fail to respond to existing character within Hale Lane.

In respect of layout and site orientation, the proposed development would be situated further back towards the rear of the site with a 17.5m footprint behind a large front car parking area with a short back garden. Given the extent and depth of the footprint and the proximity of the rear building line to the rear, this leads to an unreasonably short garden depth. The relationship with the boundaries to the rear of the site would give rise to a

cramped form of development lacking appropriate spaciousness and would lead to an overdevelopment of the site. A large part of the site would also be taken up by two separate car parking areas which would dominate the frontage to the properties and would reduce the amount of external amenity that future occupiers of the premises would enjoy.

Amenity of future occupiers

All units would be single aspect with outlook. The development therefore includes units which would have a single aspect towards the north elevation which should normally be resisted. In addition, south facing units have a direct outlook towards the tree screen to the rear of 99 Penshurst Gardens which would have an impact on the level of amenity that the future occupiers would experience.

All units would be provided with floorspace that would meet the relevant standard in the SPD and each upper floor unit is provided with a balcony area that would also meet individual external amenity space requirements set out in the London Plan. There is also a rear garden with approximately 120sq.m of external area which can be accessed by all occupiers. If a recommendation for condition planning permission had been proposed, a condition would be recommended in relation to a soft landscaping plan and landscape maintenance strategy.

No future occupiers would be affected by loss of privacy through overlooking. However, the dense tree screen to the rear southern boundary could restrict the amount of daylight entering the ground floor rear habitable rooms particularly at the eastern end of the elevation.

Amenity of existing adjoining neighbours

The proposed development would be situated adjoining a similarly large flatted development at 233 Hale Lane although this has been constructed on a higher level than the application site. Furthermore, the building line of the development projects by no more than 3m from the principal building line of Lavender Court noting that there is an ancillary element to the side that is recessed from the rear. Given the separation distance and the limited projection the proposed development would have no harmful impact on the amenity currently enjoyed by Lavender Court.

227 Hale Lane is situated at a lower level than the application site and this is evident by virtue of a comparison of the eaves levels of the properties. In addition, due to a bend in the road, the property is orientated in such a way that its rear elevation overlooks the rear garden more directly. There is an extant application for a rear extension at this property that has yet to be constructed. It is considered that the proposed development would not compromise the implementation of this permission nor would the proposed development impact on any habitable room windows. Any habitable rooms would be in advance of the building line and as such would not generate any impact on their amenity in respect of daylight or privacy loss.

Penshurst Gardens are separated from the site by a mature tree screen however, there is a distance of more than 22m between the rear elevations with minimal levels change between the two rear gardens. As a result, it is considered that the separation distance is acceptable and there would not be any overbearing impact, sense of enclosure or loss of outlook caused by the proposed development to these properties.

Highways implications and parking demand

The proposed development relies on extensive car and comprises of an area of 8 car parking spaces to the front of what was previously 231 Hale Lane, effectively utilising the original parking area and a smaller parking area for four car parking spaces in front of what is currently 229 Hale Lane. The parking requirements of the site are met by the parking provision on site.

Although car parking is provided on site, effective access and egress to and from the site from the eastbound carriageway on Hale Lane would be impeded by the siting of a traffic island directly outside of 229 Hale Lane. This has been located here because, according to Highways officers, it represents the pedestrian desire line from adjoining roads on to and across Hale Lane. Relocation has been discussed with the planning agent to another point on Hale Lane. However, alternative locations are compromised by the position of crossovers at other residential properties nearby. As such, it is not possible to determine whether there would be a suitable alternative position. Nevertheless, the application must be determined on the basis of what has been provided on the submitted drawings. The position of this highway furniture would be an unacceptable obstacle to effective highway access to the site.

The highways officer has also raised an objection to the new crossover width serving the larger car parking area in the location that was previously 229 Hale Lane. This crossover is approximately 5.5m wide which exceeds the standardised crossover width of 4.8m in London. A crossover that exceeds the width of 4.8m would likely have an impact on pedestrian safety.

Neighbours have raised substantial objection to the possible highway impact that the proposed development would have on general highway safety, given that Hale Lane is a key connection between Edgware and Mill Hill that is highly trafficked. Objectors have provided photographic evidence of queues that have arisen on street due to overdevelopment in the local area. The agent has provided a transport assessment which sets out the anticipated trip generation for the site. The conclusion of this assessment states that the development of a nine unit scheme would generate similar trips to the existing two detached dwelling units currently in situ, largely based on the fact that the units within the development are significantly smaller units of residential accommodation.

5.4 Response to Public Consultation

Objections raised in relation to the design and appearance of the proposed development, the provision of flats rather than dwellings and the siting and layout of the proposed development have been upheld. Officers also agree with the objectors' concerns about too much of the frontage areas being used for car parking and its visual impact on this locality. The traffic island directly outside 229 Hale Lane would also limit the effectiveness of movements into and out of the site although it is considered that the trip generation that would be derived from this scheme would be accommodated by the existing highway conditions. However, it is officers' consideration that the proposed development would not be harmful to residential amenity for the occupiers of Lavender Court, 227 Hale Lane or the properties to the rear in Penshurst Gardens.

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 proposed development would have a harmful impact on the character of the area in relation to design, appearance and siting. Furthermore, the proposed development would contribute to unacceptable highway conditions. Finally, the proposed development would not contribute to a high quality standard of accommodation for the future occupiers of the proposed development. Although the scheme would make a contribution to housing delivery meeting Borough house building targets and would not have an unacceptable impact on residential amenity, it is considered that the harm that the development would cause would be so significant as to be unacceptable and contrary to the policies listed above of the Adopted Local Plan and the National Planning Policy Framework.