

Location **31 Wood Street Barnet EN5 4BE**

Reference: **14/08043/FUL** Received: 18th December 2014
Accepted: 19th December 2014

Ward: Underhill Expiry 13th February 2015

Applicant: Dr GILLIAN GEAR

Proposal: The proposal seeks planning permission for the demolition of a boundary wall and the erection of a two storey rear extension and a single storey extension to existing basement. (AMENDED DESCRIPTION)

Recommendation: Refuse

- 1 The proposed development would by reason of its mass, bulk and siting result in the loss of public open space and a break in the London Open Space Network contrary to policies 7.18 of the London Plan (2015), policy CS5, CS7 of the Barnet Core Strategy (Adopted September 2012), policy DM01, DM06 and DM15 of the Barnet Development Management Policies Document (Adopted September 2012) and the advice contained in the Wood Street Character Conservation Area Character Appraisal
- 2 The proposed development would, by reason of its design, siting, size, layout, scale and loss of open space represent a cramped form of development and an overdevelopment of the site that is out of keeping with and harmful to the character, appearance and setting of the host locally listed building, neighbouring statutory listed buildings, Old Courthouse Recreation Ground and the Wood Street Conservation Area contrary to policies 3.5, 7.4 and 7.6 of the London Plan (Adopted 2015), policy CS5 of the Barnet Core Strategy (Adopted September 2012), policy DM01, DM06 and DM15 of the Barnet Development Management Policies Document (Adopted September 2012) and the Wood Street Character Appraisal 2012
- 3 The proposed development is likely to have a detrimental impact on the health and appearance of a yew tree of good value, with substantial longevity located within the Wood Street Conservation Area. Furthermore, the proposed mitigation measures would not constitute adequate safety during and after construction. The proposal would therefore be contrary to policy CS NPPF; CS5; CS7 of the Barnet Core Strategy (Adopted September 2012), policy DM01, DM06, DM16 of the Development Management Policies DPD (adopted September 2012) and The National Planning Policy Framework (2012).

Informative(s):

- 1 The plans accompanying this application are:

2014/01 Rev P

2014/02 Rev P

2014/03 Rev P1

2014/04 Rev P

2014/05 Rev P

2014/06 Rev P

2014/07 Rev P

2014/08 Rev P

2014/09 Rev P1

2014/10 Rev P1

2014/11 Rev P1

2014/12 Rev P

2014/13 Rev P1

Design and Access Statement

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

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

- 3 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 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.

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.

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.

- 4 The applicant is advised the removal of the Eastern boundary wall will require listed building consent.

Officer's Assessment

1. Site Description

The application site known as No 31 Wood Street (Barnet Museum), comprises a 'L' shaped area of land situated on the Eastern side of Wood Street. The subject site is occupied by an early Georgian terrace property and part of a Council owned park known as the, 'Old Courthouse Recreation Ground'. This early Georgian property is a locally listed feature surrounded by a number of other protected buildings. Neighbouring property, No 33 is a locally listed building, with the remaining neighbour at No 29 (The Coroners Court) being protected by a grade II statutory listing. The application property is located within the Wood Street Conservation Area and an area of archaeological importance.

2. Site History

Reference: B/01474/12

Address: 31 Wood Street, Barnet, EN5 4BE

Decision: Approved subject to conditions

Decision Date: 11 June 2012

Description: Installation of pinned on aluminium black lettering reading 'Barnet Museum' and 'Coat of Arms' sign above Museum door, all to front elevation.

3. Proposal

Since the application was reported to the Chipping Barnet Planning Committee, the applicant has made the following changes,

- o The roof of the extension has been hipped and a dormer window has been included to the South elevation
- o Blank windows added to the East elevation
- o Brick work painted to match the museum
- o Reduction in width of lightwell.

The proposal now seeks planning permission for the demolition of a boundary wall, the erection of a two storey rear extension and a single storey extension to the existing basement.

The proposed two storey extension will contain a depth, width and height of 11.7m x 6.2m and 7.8m (above ground level), respectively. This extension will be located 3.5m from the Western boundary, be built up against the Eastern boundary and will intrude South into the Public Open Space (Old Courthouse Recreation Ground).

The new extension will contain a pitched roof with four identical dormer windows (L x D x H) (1.5m x 6.2m x 1.3m) to the west elevation and 1 dormer to the South Elevation (L x D x H) (1.5m x 6.2m x 1.3m). Dormers on the West Elevation will be evenly separated by a 0.9m gap, contain a set down (2.2m on the West elevation and 1.2m on the South elevation) from the new ridge of the roof and will converge with eaves. The main face of the dormers will therefore be located on the flank and rear walls of the newly erected extension.

With an area of circa 144m², the proposed two storey rear extension will be sufficiently large to accommodate storage space with a work shop (Basement), exhibition space (Ground floor) and educational space (First floor). The new extension will contain step free access.

To accommodate the construction of the extension, the existing boundary wall with the Court House will be replaced with a similar wall of 2.4m in height.

The Old Courthouse Recreation Ground located to the rear of the site will be landscaped so to accommodate the new extension.

4. Public Consultation

Consultation to 40 neighbouring properties, along with a site notice and notice advising a departure from policy were issued.

26 responses have been received, comprising 4 objection letters and 22 letters of support (4 of which have been received since the application was reported to Chipping Barnet Planning Committee). These are outlined below:

Objections:

- The proposed space is being developed on the assumption that an excavation will take place and that, that possible excavation will harvest possible artefacts. The additional space is not justified as the excavation may never happen and if it does happen there is no guarantee that any artefacts will be found and require display.
- The heritage assessment is basic and fails to provide a professional assessment on the impact of the listed buildings
- The Design and Access Statement quotes out-dated policy
- Owing to its mass and height the proposed extension fails to respect the character of the host building. The resulting development dominates the original building
- No evidence that the special historic and architectural interest of the building has been considered
- The extension at No 33 should not be used as a precedent as that extension is less visible from the wider Conservation Area and is considerably smaller in height and mass
- The application has not included an engineering survey demonstrating the proposed excavations will not cause a detrimental impact to neighbouring listed buildings.
- The proposed works will be noisy and disruptive
- The applicant has failed to apply for a listed building consent.
- The proposal will result in a detrimental impact on the Character and appearance of the Conservation Area.
- The applicant has not demonstrated sufficient need to warrant departure from the Development Plan.

Support:

- A Bold, well-constructed and greatly beneficial development that will provide a huge improvement to Barnet Museum
- The improvements will result in economic benefit to the Town in terms of increased visitor numbers
- The additional space being provided is badly required
- The proposed extension would have a positive and welcome impact on the small area it covers
- The addition of disabled access is also of great benefit to the less mobile in our community.
- The proposal will result in 1% reduction of open space

On 9 June 2015, Cllr Paul Edwards requested the application be heard before the Chipping Barnet Area Planning Committee.

Historic England: No objection - If Members are minded to approve the application, details of a report prior to commencement of works can be secured by condition.

Internal

Open Space: Objection in principle to the loss of open space

Highways: No objection

Wood Street Conservation Area Committee: No Comment

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework:

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 document 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. 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. The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

Barnet Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012.

Barnet Core Strategy Policies:- CS NPPF, CS5, CS7, CS12 and CS13

Barnet Development Management Policies Document Policies: DM01, DM02, DM06, DM15 and DM16

Local Supplementary Planning Documents:

The Council has adopted two supplementary planning documents (SPD's), the Residential Design Guidance SPD (2013) and Sustainable Design and Construction SPD (2013).

These documents are material planning considerations in the determination of applications.

Wood Street Conservation Area Character Appraisal

5.2 Main issues for consideration

The main issues are considered to be the proposals:

- Principle of Development
- Impact on the character and appearance on the Conservation Area, neighbouring listed buildings and general locality
- Impact on Trees
- Impact on amenities

5.3 Assessment of proposals

Context

The Barnet Museum opened in March 1938 to exhibit and archive the growing collection of the Barnet Record Society (now Barnet Museum & Local History Society). The Museum now contains an extensive collection of artefacts reflecting the history of Barnet dating from Neolithic times. The exhibitions can be viewed on three week days (open for 2 hours i.e. 14:30-16:30) and on Saturdays.

One of the central points of interest in the Museum is the Battle of Barnet. The exact location of the battle has been the subject of much discussion. Huddersfield University, the Battlefields Trust and Barnet Museum, are now developing a project to investigate possible locations of the battlefield. Whilst the Design and Access Statement states, this planning application proposes additional floor space for the possible display, education and storage facilities required for artefacts that may be located in the future, it has been brought to the attention of the Local Authority that the Museum requires additional display space for its existing displays - No further justification for additional space has been received.

There has been much discussion over ownership of the museum and the Old Courthouse Recreation Ground, however land ownership is not a material planning consideration. As such planning this report will focus on planning considerations only.

Principle of Development

Parks, Open Space and recreational facilities are planned for, managed and maintained by a variety of agencies operating in a complex legislative and policy context. The NPPF (Para 74) prohibits the loss of open space except in exceptional circumstances. Exceptional circumstances constitute one of the following circumstances:

- o An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- o The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- o The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss."

It is noteworthy that policy CS7 (Core Strategy) DM15 (Development Management Plan) echoes these requirements.

The Barnet 'Open Space, Sport and Recreational Facilities Needs Assessment' provides qualitative and quantitative evidence of the Boroughs open space network and its intrinsic values. It provides a basis for improving the quality and potential uses of open spaces to cater for increasing demand arising from growth and the changing needs of the community. The document identifies the Old Court House Recreational as a good quality local park. The Barnet 'Open Space, Sport and Recreational Facilities Needs Assessment' does not identify the area to contain a surplus of Open Space.

The proposal seeks permission for an extension to a community facility use that is independent of the Open Space, thereby resulting in its loss without compensation. As the extension is not ancillary to the Open Space and the loss of open space is considered to harm the open character of the area (discussed below), the proposal is not considered to benefit from an exceptional circumstance, thereby rendering the proposal objectionable in principle.

In Addition, policy 7.18 of the London plan 2015, places particular emphasis on the importance of protecting open spaces networks. The London Plan recognizes the importance of local open spaces to local communities within built-up areas. The Barnet 'Open Space, Sport and Recreational Facilities Needs Assessment' identifies Old Court House Recreational as an integral part of the Boroughs Open Space Network. As the proposal will result in a break in the Open Space network, a further in principle objection to the proposal is raised.

(NB:

- i) It is noteworthy that the additional space required has not been justified. There is no guarantee the location of the battle will be identified or in fact that artefacts will be found and worthy of display. However the loss of open space is objectionable in principle and the possible benefits do not outweigh its loss.
- ii) It is important to note that the NPPF does not differentiate between public and private open space. As such and irrespective of land ownership, the in principle objection stands)

Impact on the character and appearance on the Conservation Area, neighbouring listed buildings and general locality

The Council's approach to development as set out in Policy DM01 is to minimize the impact on the local environment and to ensure that occupiers of new developments as well as neighboring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design. DM03 requires new development proposals to meet the highest standards of accessible and inclusive design by demonstrating that they meet the required principles.

Notwithstanding the applicants attempt to mirror the extension at No 33, it important to note that the proposed extension is significantly larger and considerably more visible from the public realm than its neighboring counterpart.

Notwithstanding the proposed changes, the introduction of the proposed extension results in a cramped form of development that is clearly visible from the Old Court House Recreational Open Space. It is considered that the design of the extension is such that it would represent an incongruous and discordant addition to the property which is harmful to the character and appearance of the host building. The scale, overall form and detailing of the proposed extension all fail to take sufficient account of the character of the existing

locally listed building. Due to the deciduous nature of the existing trees the visual impact of the proposal would be exacerbated in the winter months.

DM06 seeks to preserve the heritage of the borough and places significant weight on the setting of a listed buildings. Therefore the impact of a development which affects the setting of a heritage asset will require careful scrutiny. Old Court House Recreational Open Space provides an important break within the built-up area and an ideal setting for the numerous protected buildings. In so doing, it makes a significant contribution to the character and appearance of existing listed features and the wider Conservation Area. The loss of part of a public open space will fail to respect and or preserve the character of the Conservation Area or the setting of the listed buildings and is considered reason in itself to refuse the application.

It is noted that a Heritage Appraisal has been submitted with the application and that this report finds that the proposal would result in less than substantial harm to the listed building, The Coroners Court House, its settings and the Old Court House Recreational, to the north-west of the site and the setting of this building.

However, it is considered that the scale, bulk and siting of the proposed extension is such that it would have a substantial adverse impact on the setting of Cornwall House. The proposed extension would significantly increase the mass and bulk of the building directly adjacent the garden of Coroners Court House, the Old Court House Recreational and would create an overbearing and obtrusive relationship with this space. The form, scale, materials and architectural detailing of the building as extended would fail to be sympathetic with and adversely impact upon the setting of Cornwall House.

The design, height, bulk and mass of the new extension would fail to respect the existing scale of the host building and neighbouring listed building - The Coroners Court House. The changes made to the roof, fenestration and materials are not considered to overcome officers concerns. The proposal is therefore found to be unacceptable in terms of its impact on the character and appearance of the listed buildings and Conservation Area.

The proposal is found to conflict with development plan policy in terms of its impacts on the character and appearance of the existing property and wider area. It would also be contrary to development plan policies which seek to protect the setting of listed buildings. As there are no material considerations which outweigh the harm caused by the conflict with these development plan policies the application is found to be unacceptable in these respects.

Trees

The proposed extension will result in the loss of a number of trees and whilst the proposed loss of the Willow-leaved Pear and Japanese Maple may not be detrimental in themselves, the proposal will have damaging implications for the Yew tree (T1 of John Cromar Report). This tree is assessed as being 9 metres in height, a root protection area (RPA) of 198m² with a life expectancy in excess of 40 years and is described as "Good classic yew shape".

The proposed lightwell directly adjoins the RPA with excavation works likely to encroach into the RPA. The applicants report has not adequately considered the implications of excavation works, the above ground implications or the ongoing pressure for future treatment on the tree.

The Yew currently has a well formed dome-shaped canopy that is currently circa 2.5m above ground level - the lowest branches are slightly lower than the top of the existing

ground floor windows and are extremely close to the building faces. The Arboricultural Report (Para 5.05) states,

"The proposed extension is not continuously habited. The proposed basement will be fully artificially lit. In view of the above I conclude that shading by trees has been considered (as section 5.6.2.6 of BS 5837: 2012 recommends) and appears not significant."

The Arboricultural Report does not appear to be informed by the mainly glazed faces of the proposed dormers (located on the Western elevation) which are proposed to light the proposed first floor education centre, which will directly face the Yew. This fenestration appears to be the main source of light for this area.

Further, the existing large grassed area, which currently provides conducive growing conditions for the Yew, will be considerably reduced, bisected by proposed new pathways and hard surfacing as well as the footprint of the proposed extension and adjacent stairway. Although these hard-surfacing changes are almost wholly within the RPA, they have not been addressed in the Arb Report.

Overall, the proposed changes of surfacing will have several potential impacts:-

- (a) deterioration in Yew's growing conditions - with alterations to drainage patterns (run-off on hard surfacing will not percolate into the rootzone as currently with grassed area), changes to albedo / reflected / retained heat from different surfacing materials, and compaction of ground for hard surfacing;
- (b) root severance / compaction in creation of substrate for new hard surfacing (no-dig techniques will not marry with existing surface levels);
- (c) the proposed new small area immediately beneath the Yew will be in permanent shade - grass will almost certainly not grow so either dense shade tolerant ground cover would be planted which would compete with the restricted growing area or replaced by at best mulch layer; and
- (d) increased on-going compaction of root zone due to increased footfall.

It is considered that not only will there be excavation required within the RPA, but there will be pruning required both at time of construction to facilitate access for scaffolding / equipment / materials etc and on-going pressure for future treatment to:

- (i) increase light to the ground floor and first floor fenestration;
- (ii) facilitate access to the proposed new double doors; and
- (iii) minimise debris on the proposed new stairway and new pathways / hard surfaced areas.

Pruning would detrimentally affect the well-formed dome-shaped canopy of "Good classic yew shape".

The Yew is assessed as being of the highest category - it contributes significantly to the Public Open Space and is of importance both to the setting of the Listed Building as well as the character and appearance of the Conservation Area. The cumulative impacts are considered to be detrimental to both the health and appearance of the Yew and is considered to be reason itself to warrant a reason for refusal,

"The proposal detrimentally affect the health and appearance of, and would result in pressure for future treatment to, a tree of special amenity value contrary to policies DM01; DM06; CS NPPF; CS5; CS7"

Amenity

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

The proposal is not considered to harm neighbouring amenity to a point of detriment and brings forward an acceptable standard of accommodation for future users.

Highways

Owing to the modest size of the proposal and the high accessibility level of the site, the impact on highway and pedestrian safety is not expected to be affected to a point of detriment or warrant a reason for refusal.

Other

An appraisal of the proposal using the Greater London Historic Environment Record and information submitted indicates that the development would not cause sufficient harm to justify refusal of planning permission, in itself, provided that a condition securing a programme of archaeological investigation is secured by condition, should Members be minded to approve the application.

The removal and replacement of the Western Boundary wall will require a listed building application. For the avoidance of doubt, such an application has not been received by the Local Authority.

5.4 Response to Public Consultation

The objections received have been responded to in the main body of this report

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

For reasons set out above the proposal is recommended for REFUSAL.