

Location **Exegen House 1 New Brent Street London NW4 2DF**

Reference: **16/0357/FUL** Received: 19th January 2016
Accepted: 26th January 2016

Ward: Hendon Expiry 22nd March 2016

Applicant: Mr Rami Kanzen

Proposal: Extension to existing office building, to create additional 1 storey for office use

Recommendation: Refuse

- 1 The proposed development would, by reason of its design, size, bulk, mass and siting, be overbearing and visually obtrusive and result in an unacceptable sense of enclosure and loss of outlook at the west facing first floor windows at 79 Brent Street, to the significant detriment of the amenities of the occupiers of this property. The proposal would therefore not constitute a high quality design and would be contrary to policy 7.6 of the London Plan (Adopted 2015), policy CS5 of the Barnet Core Strategy (Adopted 2012) and policy DM01 of the Barnet Development Management Policies Document (Adopted 2012).

Informative(s):

- 1 The plans accompanying this application are:
 - Existing: no. PL 11 Rev A, PL 13 Rev A, PL 17 Rev A, PL 15 Rev A, PL 9 Rev A, PL 2 Rev A, PL 4 Rev A, PL 6 Rev A (received: 19/01/16)
 - Proposed: no. PL 12 Rev A, PL 14 Rev A, PL 16 Rev A, PL 10 Rev A, PL 3 Rev A, PL 5 Rev A, PL 7 Rev A, PL 8 Rev A (received: 19/01/16)
- 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. The LPA has discussed the proposal with the applicant/agent where necessary during the application process. Unfortunately the scheme is not considered to accord with the Development Plan. 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 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 £4,900.00 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 £0 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

The application is reported to the committee at the request of Councillor Braun.

1. Site Description

The application site is located within Brent Street Town Centre at the eastern junction of New Brent Street and Cowley Place. The property adjoins 79 Brent Street, which contains residential accommodation, to the east. The site currently contains a two storey building with a flat roof providing use class B1 office accommodation.

2. Site History

Reference: 15/05704/FUL

Address: Exegen House, 1 New Brent Street, London, NW4 2DF

Decision: Refused

Decision Date: 30 November 2015

Description: Extension to existing office building, to create additional 1 storey for office use

3. Proposal

Extension to existing office building, to create additional 1 storey for office use

4. Public Consultation

Consultation letters were sent to 143 neighbouring properties.

0 responses have been received.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2015

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. 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 (DPD). Both DPDs were adopted on 11 September 2012.

Barnet Core Strategy Policies:- CS NPPF, CS1, CS5, CS6, CS8, CS9, CS12, CS13, CS14 and CS15

Barnet Development Management Policies Document Policies:- DM01, DM02, DM03, DM04, DM11, DM14 and DM17

Local Supplementary Planning Documents:

The Council has adopted a supplementary planning document (SPD) which is relevant to the assessment of this application, the Sustainable Design and Construction SPD (2013). This document is a material planning considerations in the determination of this application.

5.2 Main issues for consideration

The main issues in the assessment of this application are considered to be the:

- Principle of providing additional (use class B1) office floorspace at the site.
- Proposals impact on the amenities of neighbouring occupiers.
- Impact of the proposal on the character and appearance of the existing property and wider area.
- Proposals parking facilities and impact on highway and pedestrian safety.

5.3 Assessment of proposals

As highlighted in the planning history above, a similar application was previously refused for the following reason:

The proposed development would, by reason of its design, size, bulk, mass and siting, be overbearing and visually obtrusive and result in an unacceptable sense of enclosure and loss of outlook at the west facing first floor windows at 79 Brent Street, to the significant detriment of the amenities of the occupiers of this property. The proposal would therefore not constitute a high quality design and would be contrary to policy 7.6 of the London Plan (Adopted 2015), policy CS5 of the Barnet Core Strategy (Adopted 2012) and policy DM01 of the Barnet Development Management Policies Document (Adopted 2012).

The applicant has since revised the original plans to provide a sloping roof to the part of the extension facing the neighbouring flat. Officers consider that the changes have failed to successfully overcome this reason for refusal. A request for amendments was sent to

the agent but no revised plans have been received. As all other aspects of the proposal were previously deemed acceptable the following assessment will focus on this reason for refusal.

The principle of additional office space in the town centre and the appearance of the extension in relation to the street scene are considered acceptable.

Impact on the amenities of neighbouring occupiers:

Development plan policies require that proposals represent high quality design and allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users.

In terms of visual impacts, the proposed development would result in a relatively blank wall approximately 5.9m in height being situated directly opposite existing west facing windows in the first floor rear elevation of 79 Brent Street, set at a distance of approximately 8.3m and covering the full width of the windows. It is considered that the design, size, bulk, mass and siting of the proposed addition to the existing building is such that it would result in a development with a visually obtrusive and overbearing relationship on and which causes an unacceptable loss of outlook and sense of enclosure at west facing windows to neighbouring first floor properties at 79 Brent Street. The application is therefore found to be unacceptable and contrary to development plan policy in this regard.

The application is accompanied by an assessment of the schemes impact on the daylight and sunlight conditions at neighbouring properties. While it is recognised that this has a number of limitations, based on the findings of the assessment it is considered probable that the scheme would not result in unacceptable impacts on daylight and sunlight at neighbouring properties. The application is therefore found to be acceptable in this regard.

Given the nature of the use proposed (office floorspace) it is considered that any potential concerns regarding overlooking and loss of privacy at neighbouring properties could be adequately addressed through the use of a suitable condition requiring windows that are fixed shut and have obscured glazing and a condition preventing the insertion of new windows without the benefit of express planning permission (had the application not been found unacceptable in other regards).

5.4 Response to Public Consultation

N/A

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

The application is found to be contrary to development plan policies in the ways identified in previous sections of this report. As there are no material considerations which outweigh the harm caused by the proposals conflict with these development plan policies the application is found to be unacceptable in these respects. The application is therefore recommended for REFUSAL.

