

Location **White Lodge The Vale Childs Hill London NW11 8ST**

Reference: **16/1235/FUL** Received: 25th February 2016

Accepted: 4th March 2016

Ward: Childs Hill Expiry 29th April 2016

Applicant: Mr Nitzan Atzmon

Proposal: Formation of additional storey to provide 2no self-contained flats at third floor level. Four storey front extension to provide new lift and lobby area to all habitable floors. Associated alterations to amenity space and refuse storage, provision of 2no new parking spaces and associated access to The Vale, new cycle storage

Recommendation: Refuse

- 1 The proposed additional storey to the existing development would by reason of its size, bulk, mass and visual prominence be harmful to the character and appearance of the streetscene, contrary to policies 3.5 and 7.6 of the London Plan (Adopted 2016), policy CS5 of the Barnet Core Strategy (Adopted September 2012), policy DM01 of the Barnet Development Management Policies Document (Adopted September 2012) and the advice contained in the Barnet Residential Design Guide Supplementary Planning Document (Adopted 2013).
- 2 The proposed additional storey to the existing development would by reason of its size, bulk, design and visual prominence be overbearing and result in a loss of outlook and privacy, detrimental to the residential amenities of the occupiers of 87 Hodford Road, contrary to policies 3.5 and 7.6 of the London Plan (Adopted 2016), policy CS5 of the Barnet Core Strategy (Adopted September 2012), policy DM01 of the Barnet Development Management Policies Document (Adopted September 2012) and the advice contained in the Barnet Residential Design Guide Supplementary Planning Document (Adopted 2013).

Informative(s):

- 1 The plans accompanying this application are:

Site Location Plan; PL-301; PL-302 Rev A; PL-303; PL-304; PL-305; PL-306; PL-307; PL-308; PL-309; PL-310; PL-312; PL-313; PL-314; PL-315 Rev A; PL-316; PL-317; PL-318; PL-319; PL-320; PL-321; PL-322; Design and Access; Daylight / Sunlight report
- 2 In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions.

To assist applicants in submitting development proposals, the Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant sought formal pre-application advice which was provided. Unfortunately the submitted 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 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 payment under Mayoral CIL at this time.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 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 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

This application was called to the committee by Councillor Zinkin.

1. Site Description

The application site contains a block of residential flats within a corner plot adjacent to both Hodford Road and The Vale. The rear of the site abuts the side boundary of 87 Hodford Road. Hodford road is subject to a North to South downwards gradient, which has the effect of the rear of the site being at a lower level than the front. The building is thus four stories adjacent to 87 Hodford Road (with garages provided at street level) but three stories when viewed from The Vale.

The building is of brick construction and is typical for flatted development of its era (circa 1969); with uniformity in the rhythm/design of fenestrations and articulation via protruding balconies facing Hodford Road.

The applicant property is not listed nor located on land designated as Article 2(3) (Conservation Area). There exist no outstanding conditions on the applicant property which might limit development. There are no protected trees on or adjacent to the application site.

2. Site History

Nil.

3. Proposal

This application seeks consent for the formation of an additional storey to provide 2no self-contained flats at third floor level, four storey front extension to provide new lift and lobby area to all habitable floors, associated alterations to amenity space and refuse storage, provision of 2no new parking spaces and associated access to The Vale, new cycle storage.

4. Public Consultation

50 consultation letters were sent to neighbouring properties.

40 responses have been received; comprising of 19 letters of support and 21 letters of objection.

The views of objectors can be summarised as follows;

- Noise and disturbance from building works
- Loss of privacy
- Overshadowing
- Parking congestion
- Out of character
- Loss of light
- Out of proportion
- Overbearing
- Precedent
- No benefit to local community

The letters of support refer to the improvement to the appearance of the building.

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 2016

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, CS8, CS11, CS12, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM16, DM17

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

Sustainable Design and Construction SPD (adopted April 2013)

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 harm would be caused to the living conditions of neighbouring residents.
- The living conditions for future residents

5.3 Assessment of proposals

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals in residential localities are required to reflect the particular character of the street in which the site is located.

Whilst there is no in principle objection to the provision of additional units within the application site, it would need to be demonstrated that no harm would be caused due to further onsite provision.

_ Potential impacts upon the character and appearance of the existing building, the street scene and the wider locality

The existing building is highly unique to the local area, with Hodford Road and The Vale primarily being characterised by two storey dwelling houses with relatively uniform height, form, spacing and plot sizes. The application property is situated on a corner plot which is splayed to follow each adjacent road.

The existing building is a highly prominent feature in the street scenes for both adjacent roads. The existing building presents a bulk, height, massing, style and typology which already appears out of context with the local area and is in many ways an incongruous feature within the streetscene. This is further accentuated by the variation in levels which increase the visual impact of the existing building when viewed from further south along Hodford Road. The building dates from the 1960s/1970s and does not form or positively contribute to local distinctiveness through its design or appearance. There are no designated heritage assets for the site which would influence the redevelopment of the site.

The proposals also include a full recladding as well as the provision of additional balconies. It is considered that the principle of the recladding / modernisation of the existing building is not objectionable and would be supported due to the public benefits derived from an improved street scene as well as improved access and living conditions for residents.

It is also proposed to erect a new passenger lift to the northern elevation adjacent to the entrance to serve all floors other than the lower-ground floor level. This would create the only addition to the footprint of the building. The modest, in footprint, extension to all floors is considered to be an acceptable addition to the host building.

Further works include adding low perimeter walling with hedging and landscaping behind, and making two distinct private shared garden areas for the benefit of all residents. An attractive new entrance pathway will be created and the car park area re-surfaced with tarmac. There are no objections to this subject to details which are required through condition.

The proposed additional floor would however add a substantial bulk to the existing building, exacerbating its visual impact meaning that it would appear even more incongruous and extremely visually prominent. The resulting building would appear alien within the local area and would in no way relate to the character of the local area.

On balance, the proposed benefits would not outweigh the harm caused by exacerbating the visual prominence of this building to the extent shown in proposed drawings. It is acknowledged that the existing building is not a positive asset in terms of character of the local area and that a recladding/refurbishment would bring a benefit in terms of improvements to the street scene and public realm however this improvement work should not be at further cost to the character of the local area.

Any additional storey to the existing building would need to be substantially "set in" so that the additional flat was not dominant in the street scene. It may be possible to design a scheme which would provide an additional unit whilst being sympathetic to the character of the local area and would improve the form of the existing structure.

It is considered that the bulk and mass of the proposal is not sufficiently subordinate to make the scheme acceptable.

An extended refuse store and new cycle store would be provided within the existing lower ground floor; this would be acceptable as would be contained within the existing building.

As part of the development it is proposed to provide two additional parking spaces, one for each of the new units on the The Vale frontage, in line with Highways requirements. A new crossover would be required to access the proposed parking spaces; consent must be obtained from the Highways department. There is no objection to this element of the proposals.

_ Potential impacts upon the amenities of neighbouring residents.

Another major concern relating to the proposed development would be the impacts upon the amenities of neighbouring properties, particularly those of the residents of the adjacent dwelling (87 Hodford Road).

The additional floor hereby proposed would exacerbate a relationship between these two properties which is already not ideal; leading to a heightened sense of visual overburdening upon this property which is worsened by the variation in levels across the site. The extension would have a significant overbearing impact on the neighbouring property.

A Daylight / Sunlight report has been submitted to accompany the application. It notes that in relation to the neighbouring property at 87 the windows affected would include a glazed door facing south east and all other windows facing north. The BRE Guide recommends that windows should have a VSC not less than 27% or 80% of former value. Any reduction in daylight to windows in 87 Hodford Road are noted to be within the within the recommendations of the BRE Guide. It is therefore considered that there would be no significant impact on neighbouring amenity specifically through loss of light.

Furthermore, the proposed additional balconies would lead to the rear garden of no.87 being severely overlooked, with the only outdoor amenity area for flat 11 being directly above this area.

The proposed scheme would not be considered acceptable due to the impacts caused upon the residents of this neighbouring property. It is however considered that these impacts might be addressed if the scheme is reduced as aforementioned, alongside alterations to the proposed balconies.

_ Living conditions for future residents

The proposed development would involve the addition of no.2 additional units to the existing flat roof and formation of new lift/lobby in order to facilitate general refurbishments to the property including recladding as well as the replacement/addition of glass balconies.

Summary of additional residential units:

Flat 10 (4th Floor) - 3 bedroom / 5 person unit - 101sqm

Flat 11 (4th Floor) - 3 bedroom / 5 person unit - 115sqm

In general, the proposed additional units would remain in accordance with the minimum standards for new residential development as set out by the London Plan / the Council's Sustainable Design and Construction SPD.

In regard to amenity provision it is proposed to create two areas of private amenity space facing The Vale at ground floor level each side of the path, providing a total of 324 sqm. Both private areas will be accessed via private gates with keypads for residents only use. In addition, the existing balconies total 60 sqm. on three floors. The two new flats will have a total of 37 sqm. balcony space, 21 sqm. for flat 10 and 16 sqm. for flat 11. It is therefore considered that the proposed amenity provision is acceptable.

Finally, concern is raised about the impact upon outlook for the occupiers of the Northern units at all floors caused by the proposed lift shaft housing. This structure would project 3.5m beyond the side elevation of the building and would be situated immediately adjacent to the windows serving the primary bedrooms of these units. Whilst a projection of 3.5m is not unreasonable, it is considered that this element of the scheme would be more appropriately located further set away from these windows. Despite the fact that the residents of these units would in this instance form co-applicants, concern would still be maintained as to this impact.

5.4 Response to Public Consultation

The concerns raised are noted and this application is recommended for refusal. All planning matters are covered in the above appraisal.

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 support the Council in meeting its statutory equality responsibilities.

7. Conclusion

On balance it is considered that the potential benefits in terms of improvements to the existing building would not outweigh the cost in terms of impact to the character and appearance of the local area/street scene. Furthermore the proposed development would cause unacceptable impacts upon the residential amenities of neighbouring residents and has not met all of the minimum standards for new residential development. The hereby proposed scheme is not supported and is recommended for refusal.



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