

Location Century House 29 Union Street Barnet EN5 4HY

Reference: 15/7535/RCU

Received: 10th December 2015

Accepted: 29th January 2016

Ward: High Barnet

Expiry: 25th March 2016

Applicant: Sean Callaghan

Proposal: Extensions to roof involving 1 no dormer and 2no rooflights to west side elevation, 6 no roof lights to east side elevation to facilitate a loft conversion. External alterations including changes to windows to front, rear and east side elevation, and insertion of juliette balconies to the rear post demolition of the existing single storey rear extension. (Retrospective planning application) [AMENDED PLANS AND DESCRIPTION]

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drg: 1429

Drg: 2125.01

Drg: 2125.02

Drg: 2125.03

Drg: 2125.04

Drg: 2125.05

Drg: 2125.06

Drg: 2125.07

Drg: 2125.08

Drg: 2125.09

Drg: 2125.10 C

Covering Letter (Ref: LBN5007P - Date: 02 June 2016)

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the of the dormer and the windows

proposed in the north, east and south elevations of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

Informative(s):

- 1** In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2** The applicant is advised that the proposed alterations contained in the drawings hereby approved shall be implemented within 3 months of the date of this grant of planning permission; or the building should be reverted back to its original state. Failure to do so may result in formal enforcement action by the Local Planning Authority.

Officer's Assessment

1. Site Description

The site relates to a neo-classical style two storey building located on the southern side of Union Street. This building previously served as Barnet's first town hall.

The property is not a Statutory Listed building, however is located within Wood Street Conservation Area and is identified as positive building.

2. Site History

Planning Applications

N08850 - New fire exit door in front elevation. - Approved (02.03.1988)

N08850A - Single storey rear extension (Planning Permission) - Approved (09.11.1988)

N08850B - Demolition of single-storey building at rear (Conservation Area Consent) - Approved (09.11.1988)

15/01179/PNO - Change of use from Use Class B1 (office) to Use Class C3 (residential) - Prior Approval Required and Approved (22.04.2015)

15/03224/PNO - Change of use from Class B1 (Office) to Class C3 (Residential) (5 Units) - Prior Approval Required and Approved (03.07.2015)

15/06617/FUL - External alterations including changes to windows, roof lights, render and new roof - Withdrawn (17.12.2015)

Enforcement Investigations

ENF/00827/15 - External building works taking place without planning permission. - Awaiting the outcome of Planning Application 15/7535/RCU (Received: 03.07.2015)

3. Proposal

This application relates to the following works:

Retention of extensions to the roof, involving 1 no. dormer and 2 no. rooflights to west side elevation, and 6 no. roof lights to east side elevation to facilitate a loft conversion. The as-built dormer would be reduced in size from 14.3m in width to 11.9m width, with the height and depth dimensions remaining unchanged (H= 1.7m and D= 2.9m).

External alterations including changes to windows to the front, rear and east side elevations, and the insertion of 2 no. juliette balconies to the rear post demolition of the existing single storey rear extension.

4. Public Consultation

The public consultation process was undertaken twice, first on 29th January 2016 with a Site Notice displayed 4th February 2016; and, second on 22nd August 2016 following amendments to the proposals and the description. Letters were sent to 19 neighbouring properties.

To date 6 letters of objection have been received, all of which have been in response to the first round of public consultation.

The objections received can be summarised as follows:

- The plans are inaccurate and do not adequately show site boundary; the fire escape doorway from the backyard into the neighbouring property; the floor plans and fenestration do not correspond to the built reality.
- There is no design and access statement to explain the application.
- The northern ground floor unit does not meet the Mayor's London Plan Housing Standards.
- The windows on the eastern elevation overlook the land at the front of the neighbouring church (United Reformed Church / Ewen Hall) which is used by children (Boys Brigade and Girls Association, Brownies, Guides, and Montessori Nursery school) for play / activities (e.g. ball games such as football and cricket). Their safety and security of vulnerable children would be compromised.
- The small windows and partially obscured windows also result in dreary and probably under ventilated rooms and constitute a fire risk to neighbours.
- There is no alternative means of escape from the southern ground floor flat in the event of a fire.
- Barnet Boys' Brigade and Girl's Association use the east elevation as a 'safe backdrop' for their archery activity. Thus the inclusion of windows in this elevation creates a potential hazard.
- Noise arising from the church group, children and youth group activities on the neighbouring land could result in disturbance to the future occupiers and consequently a break down in relations between the residents and the users of the land / the United Reformed Church.
- The alterations would be harmful to the character and appearance of the host building, street scene and the Wood Street Conservation Area.
- The scheme does not accord with the planning rules within the Wood Street Conservation Area.
- The scale, impact and appearance is incompatible on the surrounding area and adjoining neighbours.
- The development does not consider the effect on parking within Union Street.
- Planning Inspectorate appeal Ref APP/N5090/D/15/3013615: 9 Union Street, EN5 4HY establishes a precedent which would not permit changes to no. 29 Union Street.
- The Local Planning Authority would be in breach of its planning responsibility, showing favouritism to the developer by approving the proposed scheme.
- No site notice was issued near the development
- No letter of notification was issued to No. 9 Union Street regarding the application.
- The proposed plans do not detail cill projections or flue vents, to enable consideration to be given in respect of trespass and the effect on the users of the church land. Flue gases, where vented and discharged, may be harmful to these users.

- The placement of windows on the east elevation will impact the plans using this area in the future. The placing of windows and ventilation openings in this wall may restrict any plans for future church development.

4.1 Other Consultation

Monken Hadley & Wood Street Conservation Area Advisory Committee: No comment.

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 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. Both were adopted in September 2012.

- *Relevant Core Strategy Policies: CS NPPF, CS1, CS5.*
- *Relevant Development Management Policies: DM01, DM02, DM06.*

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.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

- *Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.*
- *States that developments should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.*
- *In respect of amenity, states that developments should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.*

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.*

Wood Street Conservation Area Character Appraisal Statement (July 2007)

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, the Wood Street Conservation Area and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

This application follows a prior approval (App Ref: 15/03224/PNO Dated: 03.07.2015) for the change of use of the original building from Class B1 (Office) to Class C3 (Residential). Following its approval, alterations were made to the external fabric of the building above and beyond the reasonable extent permitted to facilitate the building's conversion into residential dwellings. As such, Planning Enforcement were notified and opened a formal

investigation (Enforcement Ref: ENF/00827/15) into the matter. The applicant was given the opportunity to make a formal planning application to regularise the alterations that had been made to the building, before proceeding with formal enforcement procedures.

The original plans proposed the retention of a dormer. The current plans seek to reduce the width from approximately 14.3m to 11.9m. The dormer would be set back from the front elevation of the host property by 5m. Combined with the reasonable height and depth dimensions, the reduction in width and set back from the front makes the dormer less prominent and obtrusive when viewed from the streetscene, and increases its subservience as a proportionate and reasonable addition to the host building. The dormer will now largely be screened by the adjacent building at 31 Union Street. The projection of the roof shaft is set back 7.6m from the front elevation and is a relatively small addition compared to the scale of the existing roof. Much like the dormer, given its substantial set back, it will not be unduly obtrusive or visible to neighbouring occupiers or passers-by in the street. It is also accepted that this addition will also provide greater accessibility for those occupants or visitors of the development who may be disabled and not able to use the stairs. Overall, it is considered that the alterations will be sufficiently subordinate in their extent, to be considered sympathetic and respectful additions that will not harm the existing character and appearance of the host building, its vicinity, the Wood Street Conservation Area or streetscene.

The 8 no. conservation rooflights proposed in the flank roofslopes of the development are considered to be suitable in number, size, and, appropriately located to create an acceptable pattern of visual interest. At the front of the building the style of windows differ very slightly from the original, the differences however are not substantial and the size and shape of the openings have remained relatively unchanged, with the exception of the lowering of the cill heights of two of the windows. As would be expected, the windows are of timberframe construction, painted white, to match the prevailing character and appearance of the other properties within the Wood Street Conservation Area. Furthermore, it is considered that the attractive architectural merits of the building's original frontage remain intact and will therefore continue to preserve and enhance the character and appearance of the Wood Street Conservation Area.

In response to the LPA's request for windows in the east elevation that befit the character and appearance of the Conservation Area, the applicant has proposed a more traditional timber frame sash window style that will appear more lightweight and compliment the overall aesthetic appearance of the building, improving its relationship to the other traditional properties within this part of the Wood Street Conservation Area.

Originally, the applicant proposed an awkward and uncomplimentary fenestration arrangement to the rear of the property which did not pander to the more attractive architectural merits of the original elevations at the front and side (east) of the building. With a lack of traditional hierarchy and appropriate scaling the proposals were considered to be unsympathetic and harmful to the character and appearance of the building. In response to the LPA's feedback on this, the applicant has produced a more logical and cohesive pattern of fenestration that relates well to the other existing and proposed features of the building. Originally fitted with UPVC windows and doors, the applicant proposes to remove and replace the openings with white painted timber-frame bi-folding doors and timber sash windows. This is considered to be an improvement on the original fenestration featuring to the rear of this building and is in alignment with the principles of the Wood Street Conservation Area Character Appraisal Statement (July 2007). As such, it is considered that the proposed alterations to the rear fenestration are respectful of the

building as a non-designated heritage asset that contributes substantially to the preservation and enhancement of the character and appearance of this part of the Wood Street Conservation Area.

The proposed dormer window element of the development is not considered to impact the residential amenities of any neighbouring occupier to an extent that would warrant an acceptable reason for refusal. With regards to the alterations to the fenestration at the front and rear of the development, Officer's consider that the fenestration will not offer any greater potential for loss of privacy or overlooking beyond the existing levels, and furthermore, no demonstrable loss of residential amenities. The new windows in the flank elevation may provide a vantage point to overlook the land at the front of the United Reformed Church / Ewel Hall, however it is noted that a number of other houses within the immediate vicinity of the application site have a similar relationship in terms of windows serving habitable rooms that overlook this area. It is also noted that the land is open and clearly visible to passers-by in the street. Therefore, the relationship of the proposed windows in the flank elevation will not be any different to the existing situation at other residential properties within the vicinity or worse than the overlooking potential from the street side in Union Street. As such, the eastern elevation windows are considered to be acceptable in respect of the impact on residential amenities.

5.4 Response to Public Consultation

The LPA have considered the concerns raised through the public consultation process and have addressed these, where possible and where relevant, in the above Officer's assessment report. Several of the issues have been addressed through the amended plans and documentation with respect to inaccuracies.

With regard to the application site meeting the Mayor's London Plan space standards, the proposal solely concerns the alterations to the external building. This proposal is exempt from space standards due to its conversion via the Prior Approval system under the General Permitted Development Order. Matters relating to ventilation, fire risk, and alternative means of escape have not been given consideration as these issues are not material planning considerations and relate to the remit of the Building Regulations.

Noise arising from the church group, children and youth group activities on the neighbouring land could result in disturbance to the future occupiers and consequently a break down in relations between the residents and the users of the land / the United Reformed Church are a civil matter; as are matters incidental damage to residential property, and are therefore outside of the scope of this assessment.

Matters relating to pressures on car parking have not been considered as Prior Approval conversions from Office use to Residential use are exempt from such considerations. It is worth noting, however, that the development is with 8-12 minutes of the nearest bus and tube station, with a PTAL rating of 3 suggesting the development is reasonably served by public transport. Consequently, private transport (i.e. motor vehicle) is not a necessity.

Consultation letters were issued to the immediate neighbours with adjoining boundaries in accordance with the LPA's Statutory Duty and standard consultation procedure. No. 9 Union Street does not share a boundary with the application site and therefore a consultation letter would not have been sent to this property. The LPA have a record of issuing and posting a site notice within close proximity to the application site.

Although the LPA recognise that the dormer does not strictly adhere to the advice contained within the Residential Design Guidance SPD (April 2013), it is considered that the dormer appears a proportionate and subordinate addition to the host property and remains compliant with the overall aims of Policy DM01 of the Development Management Policies, and; CS1 and CS5 of Barnet's adopted Core Strategy.

Cill projections and flues with particular regard to site security and trespassing are not a material planning consideration and are therefore outside the scope of this application.

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 subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the Wood Street Conservation Area, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

Appendix 1: Site Location Plan

