

Location **Wessex Court 51 West End Lane Barnet EN5 2RA**

Reference: **17/0453/FUL** Received: 26th January 2017

Accepted: 26th January 2017

Ward: Underhill Expiry 23rd March 2017

Applicant: Mr M BISHOP

Proposal: Removal of existing roof and creation of a new mansard roof to provide
8no. additional flats at second floor level. Addition of 18 off street
parking spaces

Recommendation: Refuse

- 1 The proposed mansard roof due to its bulk, mass and excessive number of dormer windows would appear overly bulky, cluttered and out of scale with the prevailing character of West End Lane, relating poorly to neighbouring buildings and appearing obtrusive and incongruous. This would be detrimental to the character and appearance of the site property, streetscene and the local area contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).
- 2 Insufficient information has been provided in respect of refuse and recycling storage facilities together with cycle storage facilities to demonstrate that the facilities required by the 8 additional flats, could be satisfactorily provided within the curtilage of the application site. In the absence of such information the proposal would be detrimental to the character and appearance of the street and harm the living conditions of both neighbouring occupiers as well as future occupiers of the development contrary to policies DM01 and DM17 of the Adopted Barnet Development Management Policies DPD (2012) and CS9 and CS14 of the Adopted Barnet Core Strategy DPD (2012), the Sustainable Design and Construction SPD (adopted October 2016) and Residential Design Guidance SPD (adopted October 2016)
- 3 No additional amenity space is proposed to serve the residents of the new flats, and the development would therefore fail to provide satisfactory living conditions for existing and future occupiers, contrary to policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and the Sustainable Design and Construction SPD (October 2016).

Informative(s):

- 1 423714-1: Existing Site Plan, 423714-2 Rev A: Existing and Proposed Plan, Section and Elevations, 423714-3: Proposed Site Plan, 423714-4 Rev B: Proposed Plans, 423714-5 Rev B: Proposed Elevations and Sections.
- 2 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. A pre-application advice service is also offered. 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.
- 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 £73845 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 £19145 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 site property is a two storey residential block of flats built in the 1980's as part of the redevelopment of an old factory Site. The development comprises of sixteen flats. The neighbouring properties are mainly 2 storey Victorian terraced Cottages on West End Lane. To the rear of the site are two storey developments and a 3 storey development plus mansard fronting Bells Hill.

2. Site History

N02251K - Redevelopment of factory site comprising two-storey block of sixteen flats fronting West End Lane, with 16 garages and two parking spaces, part three part four-storey block of 26 flats fronting Bells Hill with 14 integral garages and 16 parking spaces. Approved 24.05.1984

16/3985/FUL - Removal of existing roof and creation of a new mansard roof to provide 8no. additional flats at second floor level. Withdrawn, 22 August 2016.

3. Proposal

The proposal is for the creation of a new mansard roof to provide 8 additional flats at second floor level. Addition of 18 off street parking spaces.

4. Public Consultation

213 consultation letters were sent to neighbouring properties.

88 responses have been received, comprising 43 letters of objection, 45 letters of support (including a joint letter from 22 occupiers in Bells Hill).

The objections received were mainly from residents of Wessex Court and West End Lane.

The responses can be summarised as follows:

- The proposal will be out of keeping with the architectural character of the rest of West End Lane, namely Victorian two-storey cottages.
- Over development of an already densely populated area
- Overlooking and loss of privacy of residents living opposite, including sheltered gardens which are currently private.
- It will overshadow the houses of residents living opposite, leading to a further decrease in light
- Noise pollution
- The potential removal of green space such as trees and grass for additional parking is not environmental and demoralising for residents.
- The current landscaping of trees and grass is important to the local landscape character and is important to balance the already huge quantity of vehicles accessing and parking in the area.
- The tight-knit community will be disrupted by the great increase in residents
- Increase in traffic, worsening highway safety for residents, especially children who walk, cycle and play in the cul-de-sac.
- Proposal does not comply with parking standards.
- Parking will be totally insufficient for the 24 flats in Wessex Court as well as the Bells Hill block.
- In reality only 3 additional spaces are being proposed as most of the spaces already used for parking.
- The addition of 8 new flats will only add to the existing pressures on parking and will increase congestion.
- Turning space is already minimal with frequent damage done to parked vehicles. Concerned as to how the parking spaces will function and would expect a swept path analysis to demonstrate that the proposed spaces would function acceptably.
- Proposal should also provide a transport statement and parking count to demonstrate that the proposal will not adversely impact residents by increasing conflicting movements on the road network or increase the risk to vulnerable users.
- The proposed location of the barrier will impact on the usage of the road, as this location allows for cars to turn around in a very congested area. If the barrier is installed in the proposed location, at the end of the road, it will be difficult for

cars to turn around and so add to the congestion problems within West End Lane.

- The disruption caused will be extensive and difficult to live through.
- Profit motivated development with no consideration to the people who live in the immediate proximity
- The works to the roof should be covered by the service charge and should not cost residents significant additional funds
- Not interested in the minor benefits that the builders are offering, prepared to contribute to the costs of the works to keep position of being on the top floor.
- Demand for more housing has to be tempered with environmental concerns.
- Covenant on property is for quiet enjoyment
- Bought property because it was the top flat.

The support was mainly from Bells Hill residents. The comments received can be summarised as follows

- It is in desperate need of an update.
- The added security gates will help ensure parking is used by residents.
- Proposal will improve the aesthetics of the flats and surrounding area
- The roof will be replaced, so there will be some disruption
- The whole look of the area isn't just Victorian cottages, so the look of the area will not be drastically changed.
- Parking problem isn't caused by the residents of Wessex Court, but by the visitors to the hospital, the pub and people who commute to London on a daily basis.
- The mansard roof will not raise the current height of the building therefore having no impact on neighbours.
- Environmental benefits to the heating and mechanical services to be welcomed
- Not much choice available for leasehold properties
- Applicant should make provision for residents during the period of works by limiting hours of access for construction and delivery vehicles.
- Parking space underutilised, non-residents take up parking spaces.
- Do not want to pay £6000 for the works when it could be done for free with added benefits.

Representation from Local MP - The Rt. Hon Mrs Theresa Villiers MP opposing the application on basis of constituent's primary concerns relating to:

- Removal of tree and large areas of green space
- Little or no additional parking being provided
- Proposed parking would compromise the safety of residents, many of whom are children
- Traffic impact on West End Lane due to narrowness of the road
- Parking problems and access

Representation from Cllr Wendy Prentice

- Call in to committee if application is to be refused.

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 Government's 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. 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, DM08, DM17

The Council's approach to development as set out in Policy DM01 is to minimise the 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

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 the proposals would have a harmful impact on the character and appearance of the streetscene and general locality
- Whether the proposals would have an acceptable impact on the amenities of neighbouring and future occupiers
- Whether the proposals would have an acceptable impact on highway and pedestrian safety.

5.3 Assessment of proposals

The main issues are considered to be:

Whether the proposals would have a harmful impact on the character and appearance of the streetscene and general locality

The existing block is two storeys high and the overall height is very similar to the height of the adjacent Victorian houses. The flats are seen within the context of the Victorian houses in West End Lane as the property facing Bells Hill has a different setting and context. Considering the block and the Victorian houses differ markedly in terms of their elevational treatment, the consistency in their height together with their roof form and alignment helps to assimilate the block of flats into the area. The creation of a mansard roof with 12 dormer windows would affect the way the flats are currently integrated into the area and the increase in bulk would change the scale of the building. This would appear incongruous when viewing the site from both directions on West End Lane, as it would no longer relate to the Victorian housing. Furthermore the mansard roof and high volume of dormers would be extremely prominent in the streetscape, there being no other similar development.

It is considered that the proposed mansard roof due to its bulk, mass and excessive number of dormer windows would appear overly bulky, cluttered and out of scale with the prevailing character of West End Lane, relating poorly to neighbouring buildings and appearing obtrusive and incongruous. This would be detrimental to the character and appearance of the site property, streetscene and the local area contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

Whether the proposals would have an acceptable impact on the amenities of neighbouring and future occupiers

One of the core principles set out in the National Planning Policy Framework is that planning should always seek to secure a high standard of amenity for all occupants of buildings.

Concern has been raised that the proposed mansard roof would have an impact on the front windows of the properties on West End Lane. These are located to the north-west of the building and due to the distance between the application site and the terrace properties, it is considered that no harm would arise in terms of loss of light and outlook.

Living conditions of future occupiers

It is considered that the application complies with the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan 2016 and is considered to provide adequate internal space. However it does not meet the requirement for storage space as none is shown on the plans. The proposed units include 3 x studio flats, 1 x 1 bed flat and 4 x 2 bed flats.

The proposed internal stacking is considered appropriate and acceptable, helping to ensure a minimum of noise disturbance between the units. However sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). The applicant would have been required to achieve the required sound insulation levels and an appropriate condition would have been attached to the decision if the recommendation was for grant of approval.

While the amenity space indicated on the plan shows that 332sqm of amenity space is provided for the existing residents, no additional amenity space is provided to serve the 8 new units. This will put pressure on the use of the existing space to the detriment of the existing and future occupiers. The proposal would not provide an adequate amenity space for existing and future occupiers contrary to policy DM02 of the Development Management Policies DPD and SPD Sustainable Design and Construction (October 2016).

Additional refuse and recycling storage facilities and cycle parking would be required in the event that the proposal was considered to be otherwise acceptable. No cycle parking is shown to serve the new units and inadequate information provided as to whether the existing refuse/ recycling facilities can be extended appropriately to serve the new units. Without further details, officers are unable to establish whether the provision of these facilities would result in further reduction to the existing amenity space.

Whether the proposals would have an acceptable impact on highway and pedestrian safety.

The proposals involve the addition of 3 x studio flats, 1 x 1 bed flat and 4 x 2 bed flats. The site is located outside of a controlled parking area. The application form suggests that there are currently 22 spaces and 40 spaces will be created. However it is not clear if the parking spaces referred to are for the sole use of the occupiers of Wessex Court. Secondly there is no indication on the plans to show the location of the existing 22 spaces and the proposed 18 additional parking spaces. It was observed during the site visit, that vehicles are already parked in the areas shown as proposed, which possibly led to many of the objection comments on where the additional spaces would be created.

Comments from the Highways officer states that "The proposed provision of 40 car parking spaces would be an over provision of parking according to parking standards as set out on the London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012. According to adopted parking standards, parking provision for this site should be between 12-30 car parking spaces. Given that the site lies with a PTAL of 2, which is low, parking provision on the higher end would be acceptable on highways grounds. The applicant will need to provide plans demonstrating that parking provision will be in accordance with the standards". "In addition Electric Vehicle Charging Points must be provided in accordance with the London Plan."

Were the application to be otherwise acceptable, further information on the layout of the additional parking proposed would be required. However, the level of parking overall would appear to exceed the minimum standards and would not justify a reason for refusal.

5.4 Response to Public Consultation

The supports and objections are noted and taken into account in the sections above. In relation to the letters of support, it should be noted that there is no reason why the

proposals are necessary to enable improvements to the existing roof structure. This is not a reason to justify granting planning permission.

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 the reasons above it is considered that planning permission should be refused.

