

Location **Associates House 118 East Barnet Road Barnet EN4 8RE**

Reference: **17/1660/FUL** Received: 15th March 2017
Accepted: 15th March 2017

Ward: East Barnet Expiry 10th May 2017

Applicant: Mr R MASON

Proposal: The erection of a single storey detached building (Office) located to the rear of the property, alterations to fenestration and the construction of a rear patio area

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No.424914/2 and Sequential Test evidence base.

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 building(s) and hard surfaced areas 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.

- 4 The building hereby permitted shall be open for use only between 8am-6pm Monday-Friday and between 8am-1pm on Saturdays and not at all on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

- 5 The premises shall be used for B1a and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

- 6 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 7 Before the use hereby permitted first commences the parking spaces shown on Drawing No.424914/2 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development and by occupiers of Associates House.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 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. 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.

Officer's Assessment

1. Site Description

The application site comprises a broadly rectangular area of land situated on East Barnet Road, close to its junction with Margaret Road. The application site contains one main building, which is 3 storeys in height, and an area of hardstanding located to the south of this. The area of hardstanding currently includes parking facilities for cars. The site is accessed by pedestrians and vehicles from East Barnet Road. The property is located circa 75m away from New Barnet Town Centre.

2. Site History

Reference: 15/05032/FUL

Address: Associates House, 118 East Barnet Road, Barnet, EN4 8RE

Decision: Refused and appeal dismissed

Decision Date: 5 October 2015

Description: The erection of a single storey detached building (Office) located to the rear of the property, alterations to fenestration and the construction of a rear patio area

Reasons for refusal:

- The proposed B1 (office) use, by reason of its location on the edge of New Barnet Town Centre and in the absence of evidence demonstrating sequential testing within that Town Centre would constitute an inappropriate form of development that would be detrimental to vitality and viability of the New Barnet Town Centre contrary to policy CS6 and CS8 of the Barnet Core Strategy (2012) and policy DM11 and DM14 of the Adopted Barnet Development Plan (2012).
- The proposed development by reason of its siting, overall size, bulk and height would represent a visually obtrusive form of development that would result in an unacceptable loss of outlook and create an over-bearing impact to the detriment of the residential amenities of neighbouring occupiers within Associates House. The application is therefore unacceptable and contrary to policy CS5 of the Barnet Core Strategy (2012), policy DM01 and DM02 of the Barnet Development Management Policies Document (2012), policy 7.6 of the London Plan (2015) and the guidance contained within the Barnet Residential Design Guidance Supplementary Planning Document (2013).

Reference: 15/03113/FUL

Address: Associates House, 118 East Barnet Road, Barnet, EN4 8RE

Decision: Refused

Decision Date: 14 July 2015

Description: Erection of a new two storey office building at the rear.

Reference: B/04835/14

Address: Associates House, 118 East Barnet Road, Barnet, EN4 8RE

Decision: Prior Approval Required and Approved

Decision Date: 22 October 2014

Description: Change of use from Class B1 (Office) to Class C3 (Residential) 4 Units.

Reference: B/05904/14

Address: Associates House, 118 East Barnet Road, Barnet, EN4 8RE

Decision: Prior Approval Required and Approved

Decision Date: 18 December 2014

Description: Change of use from Class B1 (Office) to Class C3 (Residential) (1 unit)

3. Proposal

This application proposes the construction of a flat roofed, single storey building that will be used for offices (45sqm) over part of an existing car park. The new block will be located 1m from the Southern boundary, 14m from the Western boundary, built hard up against the Eastern Boundary with the neighbouring public car park and will have a 3.2m separation from the Northern Street facing block. The proposal will contain a footprint of (L x D x H) (12m x 4.6m x2.1m). There would be symmetrical fenestration to the wide front and rear elevations. The flank elevations would be absent of any fenestration. Details of materials have not been supplied. The resulting car park will provide 11 car parking spaces.

4. Public Consultation

Consultation letters were sent to 100 neighbouring properties. 6 responses have been received, comprising 6 letters of objection.

The objections received can be summarised as follows:

- Sequential test report does not address the comments made by the appeal inspector regarding the previously refused application
- There are number of vacant offices within the locality and therefore there is no need for further offices.
- Reduction in parking and increase in traffic
- Inadequate refuse and recycling
- Proposal should not be higher than existing boundary fence
- Site unsuitable in terms of size and design
- Drainage and power cut concerns from development
- Inconvenience from construction and use, noise and security concerns
- Overlooking, loss of privacy and visual impact to Flat 4 Associates House
- Repositioning of car parking spaces creating noise, security, pollution and maintenance issues to No.116 East Barnet Road

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 July 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 25-35 years. 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, CS6, CS8, and CS15.
- Relevant Development Management Policies: DM01, DM02, DM04, DM11, DM14 and DM17.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Assessment of proposals

Planning Considerations:

An identical scheme on this site was previously refused under ref. 15/05032/FUL for the following reasons:

- The proposed B1 (office) use, by reason of its location on the edge of New Barnet Town Centre and in the absence of evidence demonstrating sequential testing within that Town Centre would constitute an inappropriate form of development that would be detrimental to vitality and viability of the New Barnet Town Centre
- The proposed development by reason of its siting, overall size, bulk and height would represent a visually obtrusive form of development that would result in an unacceptable loss of outlook and create an over-bearing impact to the detriment of the residential amenities of neighbouring occupiers within Associates House.

Principle of Development

Barnet's Local Plan (Development Management Policies - July 2012) sets out that all new office space should follow a sequential approach which considers Town Centres sites before edge of centre sites. This is to ensure continued vitality of the rest of Town Centres. The NPPF (2012) defines 'Edge of Town Centre' locations as, 'locations outside the town centre but within 500 metres of a public transport interchange.' The subject site is located circa 75m away from the primary shopping frontage and is within 500m of a bus stop and New Barnet Train Station.

The previous application ref. 15/05032/FUL was refused on the lack of evidence regarding sequential testing. A sequential test report relating to the New Barnet Town Centre has been submitted in this current application which justifies the need for new office space in this area. This report has been assessed by a Council planning policy officer and found to be acceptable. As such, the proposal is not considered to have a detrimental impact on the

vitality and viability of the New Barnet Town Centre. Therefore it is considered that this application has addressed the previous reason for refusal relating to sequential testing.

Impact on plot and on the character and appearance of the area

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the site's context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

The character of an area is made up of both the physical building and the use(s) that building will accommodate. This part of East Barnet Road is characterised by two and three storey buildings lining and facing East Barnet Road, with many of these containing detached buildings to the rear. The proposed detached building would therefore reflect the character of the wider locality and the urban grain of the area.

The proposed building would be constructed in close proximity to the edges of its site. Given its siting, design and modest overall size the proposed building would appear as an acceptable addition to this backland site.

Amenities of occupants of neighbouring buildings

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

Impact on flats located within the street facing block of No 118 East Barnet Road

At appeal (ref. APP/N5090/W/15/3138962) the inspector made the following comments about the previous refused application ref. 15/05032/FUL:

"Currently the main window to flat 3 of Associates House fronts directly into the rear parking court and there are two parking spaces immediately to the front of the bedroom. As such, when the parking spaces are occupied the outlook from this window would be at parked cars. At the same time, manoeuvring into and out of the parking spaces would potentially result in noise, disturbance and loss of privacy for the future occupiers of flat 3.

With the proposal the two parking spaces immediately outside bedroom 2 of Flat 3 would be removed and would be replaced with a small enclosed private courtyard. Whilst the terrace would be just 3.2 metres deep, the flank wall of the proposed office building would be less than three metres in height and 4.6 metres wide. As a consequence both the bedroom and the courtyard would receive good levels of daylight and sunlight and an open outlook over and around the building. More importantly, with appropriate landscaping the courtyard could provide an attractive garden area for use by the occupiers of the flat, as well as an outlook which would be more attractive than a parking court.

Overall the living conditions of the occupiers of flat 3, including the outlook for bedroom 2, would be materially enhanced. The outlook from the rear facing windows of the upper floor flats at Associates House would be over the proposed office building. Consequently the proposed building would not have an overbearing visual impact on the outlook from these flats.

I conclude on this main issue that the proposal would not have an adverse impact on the living conditions of the occupiers of Associates House, with regard to visual impact."

Given the appeal inspectors comments about the identical scheme that was previously refused on site, it is therefore considered that the proposal would not cause demonstrable harm to the amenity of neighbouring properties and that this is no longer a justifiable reason for refusal.

Impact on No 17a Edward Road

The proposed building which contains a height (above the fence) and depth of 2.1m and 4.6m respectively will be located circa 1m away from the common Southern boundary with No 17a Edward Road. No 17a contains a courtyard to a studio unit that adjoins the named common boundary. The new block is not considered to have a detrimental impact on the amenities of No 17a Edward Road, owing to its modest size and relationship to the affected boundary.

Impact on Flat 4, Associates House

Concerns have been raised about overlooking, loss of privacy and visual impact to Flat 4 Associates House. Given that the proposal is only single storey and flat 4 is not located at ground level, it is considered that the proposal will not cause demonstrable harm to this property to an extent that would warrant a reason for refusal.

Parking implications

The existing car parking area will be retained and the parking layout will be modified to provide a total of 11 car parking spaces, of which 3 will be allocated to the proposed new offices. The parking provision is considered to be acceptable. No objection to the level of parking was raised during the previously refused application or by the appeal Inspector. Whilst details of refuse and recycling have not been provided, such detail could be dealt with by condition.

5.3 Response to Public Consultation

All other matters have been addressed 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

Having taken all material considerations into account, it is considered that this application has addressed the previous reasons for refusal and that the proposal would have an acceptable impact on the character and appearance of the application site, 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.



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LOCATION PLAN 1.500