

LOCATION: 100-102 Leaside Crescent, London, NW11 0LA
REFERENCE: F/01145/12 **Received:** 21 March 2012
Accepted: 22 March 2012
WARD(S): Golders Green **Expiry:** 17 May 2012
Final Revisions:
APPLICANT: Kehillas Ohel Moshe
PROPOSAL: Retention of the use of ground floor and part first floor as a synagogue and part first floor as a residential unit. Roof extension with both sides and rear dormer windows and 1no. rooflight to the front elevation to facilitate conversion into an additional residential unit.

RECOMMENDATION: Refuse

- 1 The use of the site as a synagogue results in the loss of residential floorspace to the detriment of the supply of housing in the Borough, contrary to policy H3 of the Adopted Barnet Unitary Development Plan (2006), DM01 and DM07 of the Emerging Local Plan Development Management Policies Examination in Public version 2012 and policy 3.15 of the London Plan (2011).
- 2 The proposed roof extensions by reason of their form, massing, bulk, and design would appear incongruous, top-heavy and unduly obtrusive, detrimental to the character and appearance of the streetscene and general locality contrary to policies GBEnv1, GBEnv2, D1, D2 and H27 of the Adopted Barnet Unitary Development Plan 2006, Supplementary Design Guidance 5: Extensions to Houses, and policy DM01 of the Emerging Local Plan Development Management Policies (Examination in Public Version) 2012.

INFORMATIVE(S):

- 1 The plans accompanying this application are:- Site plan; 1203.1; 1203.2; 1203.3; 1203.4; 1203.5; 1203.8; 1203.9; 1203.10, Supporting information.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

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 London Plan is recognised in the NPPF as part of the development plan.

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."

NPPF retains 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 2011:

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.

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.

Relevant Unitary Development Plan Policies: GBEnv1, GBEnv2, D1, D2, D3, D5, H3, H16, H17, H18, H27, GCS1, GCS1, CS1, ENV12, M11, M14.

Core Strategy (Examination in Public version) 2012

Development Management Policies (Examination in Public version) 2012

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS10.

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01, DM02, DM03, DM07, DM13, DM17.

Application:	Planning	Number:	F/04198/10
Validated:	15/10/2010	Type:	APF
Status:	DEC	Date:	26/11/2010
Summary:	APC	Case Officer:	Elizabeth Thomas
Description:	Single storey rear extension.		

Consultations and Views Expressed:

Neighbours Consulted: 115 Replies: 72
Neighbours Wishing To Speak 3

The 72 supporting comments raised may be summarised as follows:

- No issues with parking experienced despite the introduction of a new CPZ in the surrounds
- Building work has been undertaken in a manner sympathetic to the street scene.
- Support the application.
- No adverse effect on the immediate area, or amenities of neighbours.
- Important local facility and provides a great benefit to the community

Internal /Other Consultations:

Highways Group - No objection subject to conditions

Environmental Health - No objection subject to conditions

Date of Site Notice: 05 April 2012

The application is brought to committee at the request of Councillor Dean Cohen (Golders Green) who has written as follows:

"I am writing to support the above application. The Jewish community in this particular area is expanding rapidly and therefore more synagogues are required to accommodate this expansion. I understand that this synagogue has been in existence for approximately seven years. If you as the case officer is minded to refuse this application under delegated powers I would like this application to be considered by the relevant planning committee.

The reason for calling in this application if you are minded to refuse it, is because of the above reason as well as the fact that our own LDF states that the LA should support places of worship in suitable locations. If the application does get to committee I would request to speak in my role as a Golders Green ward councillor".

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site covers a pair of semi detached dwellings. It is located on the corner with Oakfields Road. The area is in a predominately residential location and does not fall within a conservation area.

Proposal:

The application relates to the retention of the use of ground floor and part first floor

as a synagogue and part first floor as a residential unit. Roof extension with both sides and rear dormer windows and 1no. rooflight to the front elevation to facilitate conversion into an additional residential unit.

The submission of this application follows an enforcement investigation.

Background:

The applicant has advised that the Kehilas Ohel Moshe community evolved in late 2003 early 2004. It is one of few Ashkenazi (Litvish) synagogues. The community has a nucleus of some 85 families using the synagogue. There are daily services, mornings generally 06:30- 08:00 (attended by some 30-40 men), afternoons 13:00/17:45 (attended by some 20-40) and evening (attended by some 10-20 men) with additional lectures.

The Sabbath prayers on Friday evenings has an attendance of some 90 adults and 30 children and similarly on Saturday mornings. Saturday afternoons and evenings the attendance is again about 90 adults and 30 children depending on the time of the year. A winter learning programme for fathers and sons runs an hour after the Sabbath for about an hour and is attended by about 50 adults and 50 children.

There is a daily lecture 08:30-09:00 with a guest speaker under the banner of 'Start the Day the Torah Way' broadcast widely from the premises generally attended by some 30-50 people.

Planning Considerations:

The main considerations in this case are:

- The loss of residential floor space.
- The provision of the community/religious facility.
- The impact on surrounding residential occupiers including noise as a result of the change of use.
- The impact on the parking and traffic in the area as a result of the use.
- The acceptability of the proposed roof extensions.
- The acceptability of the residential flats as proposed.

Loss of residential floor space

The proposals would result in the net loss of approximately 335 m² of residential floorspace (The existing properties are approximately 416 m², the proposed residential floor space including the extension is approximately 81m²).

Policy H3 of the UDP relates specifically to the loss of residential uses and states that planning permission will not be granted for changes of use from residential to other uses unless:

- i The proposed use is for a community facility; **and**
- ii The location is no longer environmentally suitable for residential use and cannot be improved; **and**
- iii The proposal is for an important employment-generating use outside a

predominantly residential area, provided that it is not detrimental to residential amenity and does not conflict with other policies of this Plan; **and**
iv The demand for the proposed use cannot adequately be met elsewhere; **and**
v The housing units are not of a type in particularly short supply.

The criteria of the policy are not alternatives, a proposed change of use would have to meet them **all** to comply and be acceptable.

Whilst it is acknowledged that as part of the proposal a residential flat is proposed in the extended roof space, the overall retention of the synagogue and subdivision of the houses will result in the loss of a significant amount of residential floor space to the detriment of the supply of housing in the Borough, contrary to the policy.

Officers recognise that within the preamble of policy H3, Barnet's adopted UDP advises that there may be some cases in which the loss of residential uses may be acceptable to meet a community need in predominantly residential areas including places of worship. The UDP also states that such proposals would be assessed on its own merits having regard to the impact on the amenity of neighbouring occupier.

The supporting text for Policy H3 as set out at paras 8.3.1.10 to 8.3.1.12 also highlights that because of the high demand for housing the loss of residential uses will not be acceptable. The opening of Policy H3 clearly states that 'planning permission will not be granted for changes of use from residential unless..... It then sets out the 5 requirements that have to be met which have been outlined above.

The policy is focusing on a change of use away from residential and is it not considered that providing a smaller residential unit in order to maintain the residential use complies with the policy because the proposals would result in a substantial loss of residential floor space.

The reduction in residential floorspace would conflict with the London Plan Policy 3.14 Existing Housing which states that 'The Mayor will, and Boroughs and other stakeholders should, support the maintenance and enhancement of the condition and quality of London's existing homes' and that the "loss of housing [...] should be resisted unless the housing is replaced at existing or higher densities with at least equivalent floorspace.

Within the context that the high demand for housing within Barnet and London is not disputed it is advisable that site potential is maximised and that efficient use is made of the existing housing stock.

It is considered that introducing another use is a change of use and that providing a smaller residential unit as part of a wider development of the residential property conflicts with the aims of the adopted UDP policy H3 and London Plan policy 3.14.

The protection of residential floorspace is reinforced by the policies as set out in the emerging Local Plan which confirms the Council's position that residential floor space should be retained.

The proposal is contrary to policies with the Local Plan Development Management Policies in particular policies DM01 and DM07. Policy DM01 protecting Barnet's

character and amenity point (i.) of the policy states that loss of houses in road characterised by houses will not normally be appropriate.

This is reinforced by policy DM07 protecting housing in Barnet. This states that loss of residential accommodation will not be permitted unless.

- a. the proposed use is for a local facility (children's nursery, educational or health use) provided that it is not detrimental to amenity **and**;
- b. where need can be demonstrated **and**;
- c. the demand for the proposed use cannot adequately be met elsewhere and is in line with other policies or;
- d. the location is no longer environmentally suitable and viable for residential use or;
- e. it involves identified regeneration areas with large scale demolition of housing and estates which provides for the net replacement of the total residential units.

Although the proposal provides a local religious community facility, it has not been demonstrated that there is a need for the synagogue use and no evidence that the proposed use cannot adequately be met elsewhere and is in line with other policies. The proposal therefore fails to comply with the criteria as set out in policy DM07. The use of the site is contrary to both policies of the Emerging Local Plan Development Management Policies Examination in Public version 2012.

Community/religious facility

Policy GCS1 (Community facilities) states that the council will seek to ensure that an adequate supply of land and buildings is available for community, religious, and educational facilities to meet the needs of residents in the borough.

Policy CS1, (Community and Religious Facilities) states that proposals for community and religious facilities will be permitted where they -

- Are easily accessible by public transport, walking and cycling;
- Would not have a demonstrable harmful impact on the character of the surrounding area and the amenities of nearby residential properties;
- Would be accessible for people with disabilities.

Paragraph b. of Policy DM13: community and education uses (New community or educational use) states that "New community or educational uses should be located where they are accessible by public transport, walking and cycling, preferably in town centres or local centres. New community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety. New community or educational uses will be expected to protect the amenity of residential properties".

Whilst the synagogue serves the local community it is considered on balance that this advantage does not outweigh the fact that the proposal is not in compliance with policy H3.

Impact on surrounding residential occupiers

Concerns are raised in relation to the noise and disturbance the use generates to

neighbouring residential occupiers without mitigation. There is the potential for noise to breakout from the synagogue affecting 2 Oakfields Road and 98 Leaside Crescent when doors and windows are opened. Due to the proximity of neighbours this may cause detriment to their amenity. The noise may be heard in residents' gardens or within their homes. It could be possible to mitigate the noise by conducting a noise report to assess the construction fabric of the properties (ie the materials the walls, doors and windows are made of), and the noise breakout, comparing this noise with the background noise. This would aim to assess the impact on neighbours and propose suitable mitigation such as keeping windows and doors closed and installing alternative means of ventilation. A noise management plan would also be beneficial to ensure the way in which the synagogue is used is managed to minimise noise.

Furthermore, there is the possibility of noise affecting residents in the flats above. There is not sufficient information supplied for a full assessment of the likelihood of this. However this noise could be mitigated by installing suitable sound insulation between the flats and synagogue. A noise report condition would satisfy this by ensuring a consultant advises on suitable mitigations methods.

Extensions to the property

Substantial roof extensions are proposed to the property to facilitate the provision of a residential unit. The proposal will include a mansard roof and a side dormer on both side elevations and two rear dormer windows. The proposed mansard roof is considered to be out of character with the street. As the proposed roof extension will be across two semi detached properties it will appear particularly bulky and visually obtrusive, Leaside Crescent is not a street characterised by large mansard roof extensions. Whilst it is acknowledged that there are mansard roof extension on Oakfields Road, the proposal is considered to have a street context within Leaside Crescent.

Due to the design of these extensions, in relation to both the application site and the neighbouring properties, this proposal is considered to be an overly dominant feature, out of keeping with the character and appearance of the application properties and the general streetscene. Council design guidance indicates that roof extensions should be sympathetic to the host property, the proposal is considered to fail in complying with design guidance. Due to the collective size, bulk and siting of these roof extensions the result will be an unduly bulky roof that would not be sympathetic to the design of the host properties and would be out of keeping with the roof forms of surrounding properties within the street.

It is considered that the proposed extensions would not detrimentally impact on the residential amenity of neighbouring occupiers.

Provision of 2 residential units

Notwithstanding the objection to the loss of residential floor space as explained above, the principle of two residential units at the property is considered to be acceptable. The units will have their own private entrance ensuring that there is no undue disturbance due to comings and goings to the synagogue using the same entrance door.

The proposed units should provide adequate internal space and therefore comply with policies H16 of the Adopted UDP (2006) as well as the Policy 3.5 (table 3.3) of the London Plan July 2011. Both flats proposed meet the standards of a 1 bedroom unit.

The proposed development does not provide usable outdoor space for the enjoyment of future occupiers. UDP policy H18 sets out minimum amenity space standards. The following standard, with the emphasis being on 'usable amenity space' for flats:

- 5 square metres of space per habitable room.
- Rooms exceeding 20 square metres will be counted as two habitable rooms.

No outdoor amenity space is provided for the use of the residential occupiers. However, when considering the size of the flats and the proximity of the site to Princes Park, this shortfall is not considered to warrant a reason for refusal on this ground.

Policy H26 states that proposals for flatted developments must include suitably enclosed storage areas at the rear of the property. If it is not practical, storage areas at the front or side of the property should be adequately screened so as not to become a dominant feature, and to avoid loss of amenity. The plans do not show where the refuse facilities for the flats will be located and a condition for refuse details should be attached in the event of an approval.

Traffic and parking

The traffic and development team have no objections to the proposal subject to the two existing parking spaces being made available for disabled users.

3. COMMENTS ON GROUNDS OF OBJECTIONS

No objections have been received at the time of writing the report. The comments in support of the application are noted in particular that the synagogue provides an important local facility to the benefit to the community. Whilst this point is not disputed, it is not considered that it outweighs the harm that has been identified above and resulting from the loss of residential floorspace and excessive roof extensions.

4. EQUALITIES AND DIVERSITY ISSUES

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

The use of the site as a synagogue results in the loss of residential floorspace to the detriment of the supply of housing in the Borough, contrary to policy H3 of the

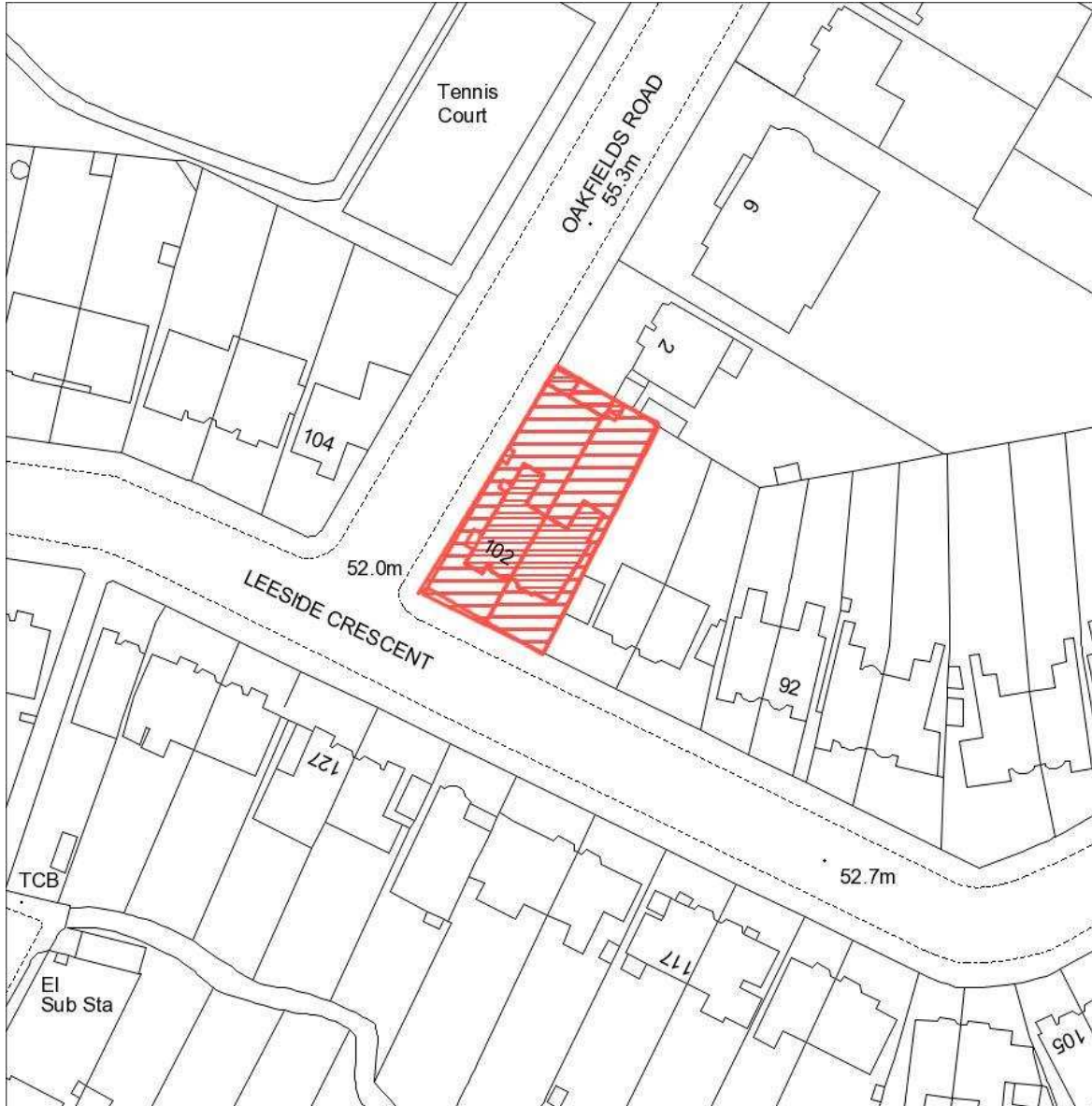
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The proposed roof extensions by reason of their form, massing, bulk, and design would appear incongruous, top-heavy and unduly obtrusive, detrimental to the character and appearance of the streetscene and general locality contrary to policies GBEnv1, GBEnv2, D1, D2 and H27 of the Adopted Barnet Unitary Development Plan 2006, Supplementary Design Guidance 5: Extensions to Houses, and policy DM01 of the Emerging Local Plan Development Management Policies (Examination in Public Version) 2012.

REFUSAL is recommended.

SITE LOCATION PLAN: 100-102 Leaside Crescent, London, NW11 0LA

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