

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

Reference: **17/4338/FUL** Received: 6th July 2017
Accepted: 10th July 2017

Ward: Underhill Expiry 4th September 2017

Applicant: Mr M BISHOP

Proposal: Demolition of an existing garage and removal of existing roof and creation of a new pitched roof with front and rear dormer roof extensions to provide 8no. additional flats at second floor level. Provision of additional 18 off street parking spaces. Provision of refuse, recycling and cycle storage

Recommendation: Refuse

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The proposed 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 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 Insufficient detail has been submitted to show that the amenity space would adequately serve the existing residents of Wessex Court, the Bells Hill flats and future occupiers 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 The plans accompanying this application are:
423714-1(Existing Site Plan), 423714-2(Existing Elevations Section and Roof Plan), 423714-5(Proposed Second Floor), 423714-6(Proposed Elevations & Section), 423714-10(Existing Floor Plans), 423714-12(Proposed Site Plan), Sustainability Statement prepared by Alan Cox and Associates, Planning Statement prepared by Henry Planning.
- 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 (LPA) 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 did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.

- 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 £ 21,723 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 £83,789 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

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

Reference: C04719

Address: Wessex Court Wessex Way NW11

Decision: Refuse

Decision Date: 23 January 2017

Description: Erection of 4 three-room flats

Reference: N02251K

Address: Factory Site West End Lane; Bells Hill Barnet

Decision: Approved

Decision Date: 24.05.1984

Description: 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.

Reference: C04719A

Address: Wessex Court Wessex Way London NW11

Decision: Refuse

Decision Date: 28 March 1985

Description: Single storey rear extension to form self-contained flat.

Reference: 16/3985/FUL

Address: Wessex Court 51 West End Lane Barnet EN5 2RA

Decision: Withdrawn

Decision Date: 22 August 2016.

Description: Removal of existing roof and creation of a new mansard roof to provide 8no. additional flats at second floor level.

Reference: 17/0453/FUL

Address: Wessex Court 51 West End Lane Barnet EN5 2RA

Decision: Refused

Decision Date: 10 May 2017

Description: 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

Reasons

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).

Appeal: In Progress

3. Proposal

The proposal is for the demolition of an existing garage and removal of existing roof and creation of a new pitched roof with front and rear dormer roof extensions to provide 8no. additional flats at second floor level. Provision of additional 18 off street parking spaces. Provision of refuse, recycling and cycle storage.

4. Public Consultation

244 consultation letters were sent to neighbouring properties.

68 responses have been received, comprising 38 letters of objections, 29 letters of support and 1 letter of representation.

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

The objections can be summarised as follows:

- West End Lane is a very narrow quiet road and proposal would not be in keeping with the character of the area with its historical characteristics.
- Overdevelopment and would be incongruous
- Proposed development more in keeping with Bells Hill
- Overlooking and loss of privacy 48, 64,
- Loss of light and views
- Loss of country ambience following proposed increase in footfall, traffic and urbanization of a dead end lane,
- The existing infrastructure such as sewers, ground water drainage, road layout cannot support more residents
- Impact on quality of day to day living and no quiet enjoyment which is part of the covenant on the lease
- Inconsistencies in number of car parking spaces to be provided.
- Parking pressure will get worse
- Some garages have been sold off and not available for parking
- Impact on emergency vehicles
- Impact of construction traffic.

- Lack of explanations on how emergency services delivery etc will access the gate.
- Increase risk of accidents
- Not clear how the car parking would be allocated.
- Noise and nuisance due to construction traffic
- Flats not affordable and it will not solve housing shortage
- Some of the cottages only have front gardens and it all properties it is the main garden as its south facing.
- Lord Nelson Pub is opened 7 days a week
- Green areas which currently enable Wessex Court to integrate into the streetscene will be lost to enable the refuse store and car spaces 1-5 to be put in.
- The loss of greenery will cause significant reduction in the level of physical and mental well-being and health of its residents.
- Not enough green space for children play
- Without trees value of properties in the area would be significantly reduced.
- Timing of application submission coincides with the summer holiday denying many people the opportunity to give their comments before the deadline
- Although roof a different design,, there are no other loft conversions in West End Lane
- Transport statement should be provided to demonstrate that the proposal will not have an adversely impact.
- The proposed location of the barrier will impact on vehicles ability to turn around due to constraints of the road.
- New roof will not match others on the road
- Majority of the supporters of the scheme do not live on the street
- A respite of a few years should be given following refusal of a scheme.
- Foundation is based on two and not three storey.
- Building in danger of soil recession

The comments supporting the proposal can be summarised as follows

- Will not impact upon the street scene
- Will be in keepings with Bell Hill Flats
- Wessex Court was built after the original housing and will not impact upon the area
- New cycle storage will encourage cycling and cut down on both local traffic and pollution.
- provision of recycling and cycle storage would enhance the property
- Adequate provision of parking and cycle storage
- Proposed roofline lower than existing
- Proposed dormer windows will be in keeping with the other buildings in the area
- Existing roof will need to be replaced in the future.
- Chronic housing shortage in London
- Sufficient ament space
- There will be disruption work when works are carried out to the roof
- Parking problems due to patrons of Lord Nelson Pub parking on pavements
- Build on existing footprint rather than Green Belt
- The developer has met with local residents and assured them the construction traffic will be managed properly
- Plans have been modified to address concerns of planning and local residents.
- Would provide another level of affordable housing
- Additional accommodation will be beneficial for the area and will improve standard of living
- Include electric charging point

Representation from Barnet Residents Association

- As built this block had a negative impact on the character of the area but the fact of its existence is not a good reason to argue that this justifies it being further extended, thus exacerbating the negative impact.
- The housing in the street is already very dense and any addition to the residential provision would constitute overdevelopment.
- Housing needs being met by other development that would not exacerbate difficulties being experienced by residents.
- Parking pressure
 - o If CPZ is introduced, parking permit should not be issued to future residents of the block.
 - o Other residents should not be allowed to use the parking provision in Wessex Court

Representation from Cllr Wendy Prentice

- o 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

Residential Design Guidance SPD (adopted 2016)

Sustainable Design and Construction SPD (adopted 2016)

- Provide 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 pitched 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 pitch roof and high volume of dormers would be extremely prominent in the streetscape, there being no other similar development on the street.

It is considered that the proposed 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 pitch 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 terraced properties; it is considered that no harm would arise in terms of loss of light and outlook.

Concern was also raised in relation to impact of the proposed development on the front gardens. The proposed development is to the south of the properties, the proposed building would be higher than the existing but given the distances between the properties, it is not deemed that it would lead to loss of light. There are existing windows fronting onto the cottages, the addition of the proposed dormers would add to the sense of overlooking however overlooking of the front gardens is not considered to be unduly harmful to residential amenity.

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 852sqm of amenity space exists, part of the space shown is also used by residents of the flats fronting Bells Hill. The amenity need of the occupiers of the Bells Hill flats have not been taken into account in the calculation of amenity space requirement. In view of the lack of information it is deemed that 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 the SPD Sustainable Design and Construction (October 2016).

Refuse and recycling storage facilities are now proposed at the access to the parking area. The width of the access road will be reduced to accommodate the storage area. The Council's requirement for refuse and recycling bin storage is likely to impact on the number of parking spaces proposed and able to be provided. Without adequate information provided as to whether proposed refuse/ recycling facilities of sufficient size can be

provided without impacting on the car parking provision, officers are unable to establish whether the provision of these facilities would result in reduction to existing amenity and parking spaces.

A garage will be demolished to provide cycle storage. Although the application form stated that 29 cycle storage space would be provided, it is not clear from the plans submitted if the space allocated would be able to accommodate that number. Further details of cycle storage provision would be required in the event the application is approved.

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 18 new spaces would 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

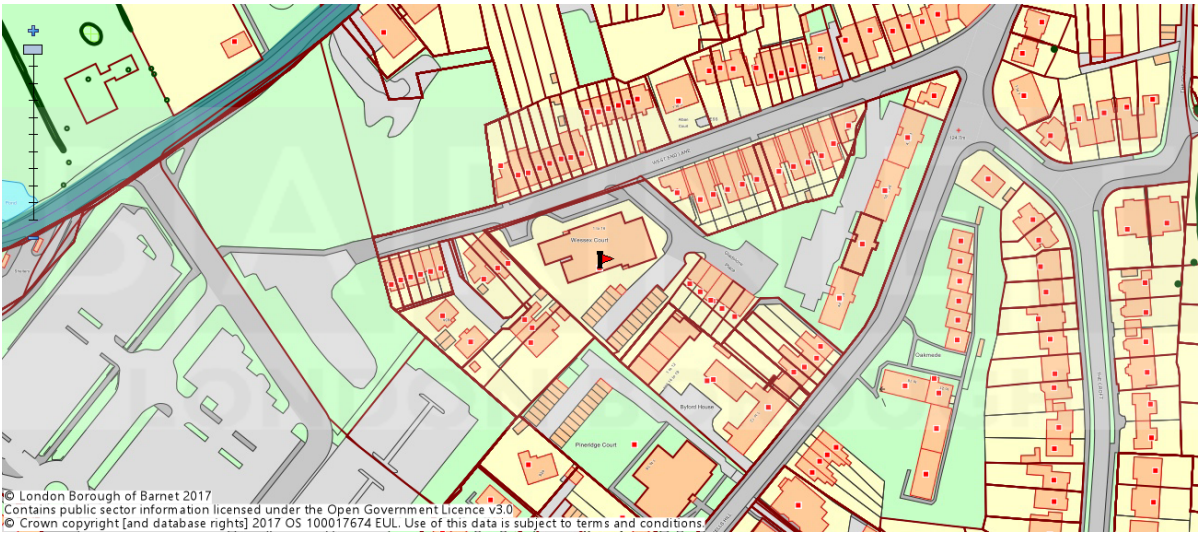
The letters of support and objection are noted and taken into account in the sections above. In relation to the letters of support, it should be noted that there is no reason why the proposals are necessary to enable improvements to the existing roof structure. This is not a reason to justify granting 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.



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