

Location	Sahara 15 Winnington Road London N2 0TP	
Reference:	17/6494/HSE	Received: 12th October 2017 Accepted: 13th October 2017
Ward:	Garden Suburb	Expiry 8th December 2017
Applicant:	Mr B Gerrard	
Proposal:	Installation of automatic metal gates and gate pilasters to both existing entrances in the front, including provision of railing sections to rear of existing hedge	

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 gates and pilasters, by reason of their height and design, would be inappropriate and intrusive features which would significantly detract from the open nature of the frontages in this part of Winnington Road, to the detriment of the character and appearance of this part of the Hampstead Garden Suburb Conservation Area.

The application is therefore found unacceptable and contrary to Policies DM01 and DM06 of the Local Plan Development Management Policies (2012); Policy 7.3 of the London Plan (2016) and the Supplementary Planning Guidance in the form of the 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals (October 2010).

Informative(s):

- 1 The plans accompanying this application are:

Location Plan

Block Plan

Drawing No. AJS_GAM_689 (Gates drawing and Elevation drawing)

Covering latter dated 10 October 2017 by JCE planning and architectural consultancy

Photographic evidence

Heritage Statement dated September 2017 by Architectural History and Conservation (AHC) Consultants

Newspaper extract

Officer's Assessment

The application is recommended for refusal. Councillor Marshall has called for the application to be determined by area planning committee as 'it might be considered an interesting attempt to improve security in an aesthetically acceptable way'.

1. Site Description

The application site is a detached property located on the eastern side of Winnington Road, within Area 15 of the designated Hampstead Garden Suburb Conservation Area.

The site is located within the part of the Conservation Area that has an Article 4 Direction.

It is not a statutory or locally listed building.

Winnington Road forms the eastern boundary of the Suburb south of Lyttelton Road. It curves down the gentle north facing slope of the hill running from Hampstead Lane in the south to Lyttelton Road in the north.

There are trees covered under a Tree Preservation Order in the rear garden (TPO reference TPO/CA/372/G1). As part of the conservation, all trees are subject to planning control.

2. Site History

Reference: TPP/0761/16

Address: Sahara, 15 Winnington Road, London, N2 0TP

Decision: Trees: Approved subject to Conditions

Decision Date: 30 December 2016

Description: 2 x Oak (applicant's ref. T1, T2) - Crown thin 20% as specified. Group G1 of Tree Preservation Order

Reference: F/04940/14

Address: 15 Winnington Road, London, N2 0TP

Decision: Refused

Decision date: 05 September 2014

Description: Installation of 2no.pairs of automatic metal gates and gates pilasters to both existing entrances in the front including provision of railing sections to rear existing hedge.

Appeal decision: Dismissed

Appeal decision date: 23 April 2015

3. Proposal

The application seeks consent for the installation of automatic gates and gate pilasters to both existing entrances in the front, including provision of railing sections to rear of existing hedge.

The gates will be 3.32 metres in width and be 1.75 metres at the highest point.

The pilasters and gates will be made in steel, top coated in the colour black. The wall will be finished with similar bricks to match existing (Standard London Stock).

4. Public Consultation

5 consultation letters were sent to neighbouring properties.

A site notice was erected on 26 October 2017

A press notice was published on 26 October 2017

0 responses have been received.

Councillor Marshall has called for the application to be determined by area planning committee as 'it might be considered an interesting attempt to improve security in an aesthetically acceptable way'.

HGS CAAC were consulted at a meeting on 15 November 2017. They recommended refusal saying that gates are not appropriate for that part of Winnington Road.

Although not a formal consultee, it is understood that the HGS Trust have granted consent for the development.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.

- Relevant Development Management Policies: DM01, DM02, DM06.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

The Council Guide 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and extensions to properties and works to trees and gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council. This leaflet was the subject of separate public consultation.

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted 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 Main issues for consideration

The main issues for consideration in this case are:

- Whether the alterations would be a visually obtrusive form of development which would detract from the character and appearance of the street scene and this part of the Hampstead Garden Suburb Conservation Area.
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to trees of special amenity value.

5.3 Preamble

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its inclusion in the Greater London Development Plan, and subsequently in the Unitary Development Plan, as an 'Area of Special Character of Metropolitan Importance'. The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a 'who's who' of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 - 1939.

The choice of individual design elements was carefully made, reflecting the architectural period of the particular building. Each property was designed as a complete composition and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows with strong linking features, giving the development an architectural form and harmony. It is considered that a disruption of this harmony would be clearly detrimental to the special character and appearance of the Conservation Area. The front of the properties being considered of equal importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

5.4 Assessment of proposals

Relevant policy:

Policy DM01 of Barnet's Development Management Policies Document (2012) states that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Policy DM06 of Barnet's Development Management Policies Document (2012) states all heritage assets will be protected in line with their significance. All development will have regard to the local historic context. Development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

The Hampstead Garden Suburb Design Guidance SPD (2010) and Character Appraisal (2010) is also a material consideration.

Paragraph 129 of the National Planning Policy Framework (2012) states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 131 of the NPPF states that determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy CS5 of Barnet's Core Strategy (2012) states that developments should be safe, attractive and fully accessible. It also states that the Council will work with partners to proactively protect and enhance Barnet's heritage including conservation areas.

London Plan Policy 7.3 states that development should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating. Point (e) states that places, buildings and structures should incorporate appropriately designed security features.

Paragraph 7.10 of the London Plan states that: Development should reduce the opportunities for criminal and anti-social behaviour and contribute to a sense of security without being overbearing or intimidating. Places and buildings should incorporate well-designed security features as appropriate to their location and use, which maximise the security of people and property without compromising the quality of the local environment.

Paragraph 69 of the NPPF (2012) states that planning policies and decisions, should aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

Planning Practice Guidance also advises that designing out crime and designing in community safety should be central to the planning and delivery of new development. This is fully discussed in Paragraph 10 (reference ID: 26-010-20140306) of the PPG.

Impact on character and appearance of the street scene and designated Conservation Area:

The proposed development is identical to that previously refused by the Local Planning Authority under application reference F/04940/14, dated 05 September 2014.

This application went to appeal (appeal reference APP/N5090/D/15/3004968, dated 23 April 2015) where it was dismissed by the Planning Inspectorate. See the appendix of this report for the full Inspectors decision.

The main issue of the appeal was the effect on the character and appearance of the Hampstead Garden Suburb Conservation Area.

In Paragraph 3 of the appeal decision, the Inspector states: 'The front boundaries to the houses along the northern section of Winnington Road are generally lower, more open and less grand than the southern section, better reflecting the informal, domestic style which characterises Hampstead Garden Suburb as a whole. The emphasis on an informal garden setting to the houses is of significance to the historic and architectural interest of the conservation area and is an important part of its garden suburb character and appearance.'

The Inspector continues, in Paragraph 4: 'The hedge at the appeal property, as with others along the road, partially encloses the front garden, but its green and natural character fits in well with the 'garden suburb' approach and contributes to the attractive character of the street. The elaborate and formal appearance of the proposed gates and pilasters would be in complete contrast to the existing character and appearance of this part of Winnington Road and much of the conservation area. The gates, although reduced in size from an earlier scheme, would be substantial and would erode the informal, more exposed garden setting of No 15 reducing its value to the conservation area. The scheme would, therefore, fail to preserve or enhance the character and appearance of the conservation area.'

Impact of crime and perception/fear of crime:

In line with the National Planning Policy Framework (2012), the Inspector considered the public benefit of the proposal, in particular crime prevention.

In Paragraph 5 the Inspector states: 'Although the harm would be considerable, it would be less than substantial and, in these circumstances, the National Planning Policy Framework (NPPF) indicates that public benefit can be taken into account. In this case, crime prevention is put forward by the appellant, but it is not clear whether other less intrusive approaches that may have similar benefits have been explored or what the risk of crime is in the area. Nevertheless, while I attach some small weight to the provision of gates, as the appellant views them as a deterrent, this would be insufficient to outweigh the harm arising from the scheme.'

Since this appeal decision, it has been advised that a crime has occurred at the application property on the front driveway (21 June 2017) which resulted in harm to the applicant. The applicant has included various documents with the submission to evidence this. In response to Paragraph 5 of the Inspector's decision, the applicant argues that less intrusive approaches including CCTV and security lights had not been effective in the prevention of this crime. The applicant argues that crime, and the perception and fear of crime, should be considered as material considerations which justify the grant of permission.

Planning Officers acknowledge that the planning balance has now changed due to the incident that has occurred at the property. Officers accept that crime, and the perception and fear of crime, must now be given greater weight in the assessment of this application.

However after careful consideration it is not considered that crime, and the perception and fear of crime, would, taking all relevant factors into consideration, outweigh the harm clearly identified by the Inspectorate on the character and appearance of the Hampstead Garden Suburb Conservation Area.

The gates would represent a visually intrusive form of development within the informal garden setting of this part of Winnington Road. Crime and perception/fear of crime would not outweigh this. The gates are not considered an appropriately designed security feature in the context of its location, contrary to point (e) of London Plan Policy 7.3.

Additional matters:

It is also noted that the Hampstead Garden Suburb Trust have granted provisional consent for the proposed development. However, the Inspector stated in Paragraph 6: 'The support of the Hampstead Garden Suburb Trust would not alter my conclusions on the harmful effect of the proposal on the character and appearance of the conservation area.' The case remains the same in this instance.

As per the previous decision, it is not considered the proposed development would impact the amenity of neighbouring occupiers, or harm the health of trees on site, to an unacceptable level.

5.5 Response to Public Consultation

N/A

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 the proposal would detrimentally fail to protect the character of this part of the Hampstead Garden Suburb Conservation Area. This harm identified by a previous Planning Inspector is not outweighed by the threat, and perception/fear, of crime. The application is therefore recommended for REFUSAL.

8. Conditions in the event of an appeal

Should an appeal against this decision be allowed the Local Planning Authority would ask that the following conditions are applied to any consent:

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

Location Plan

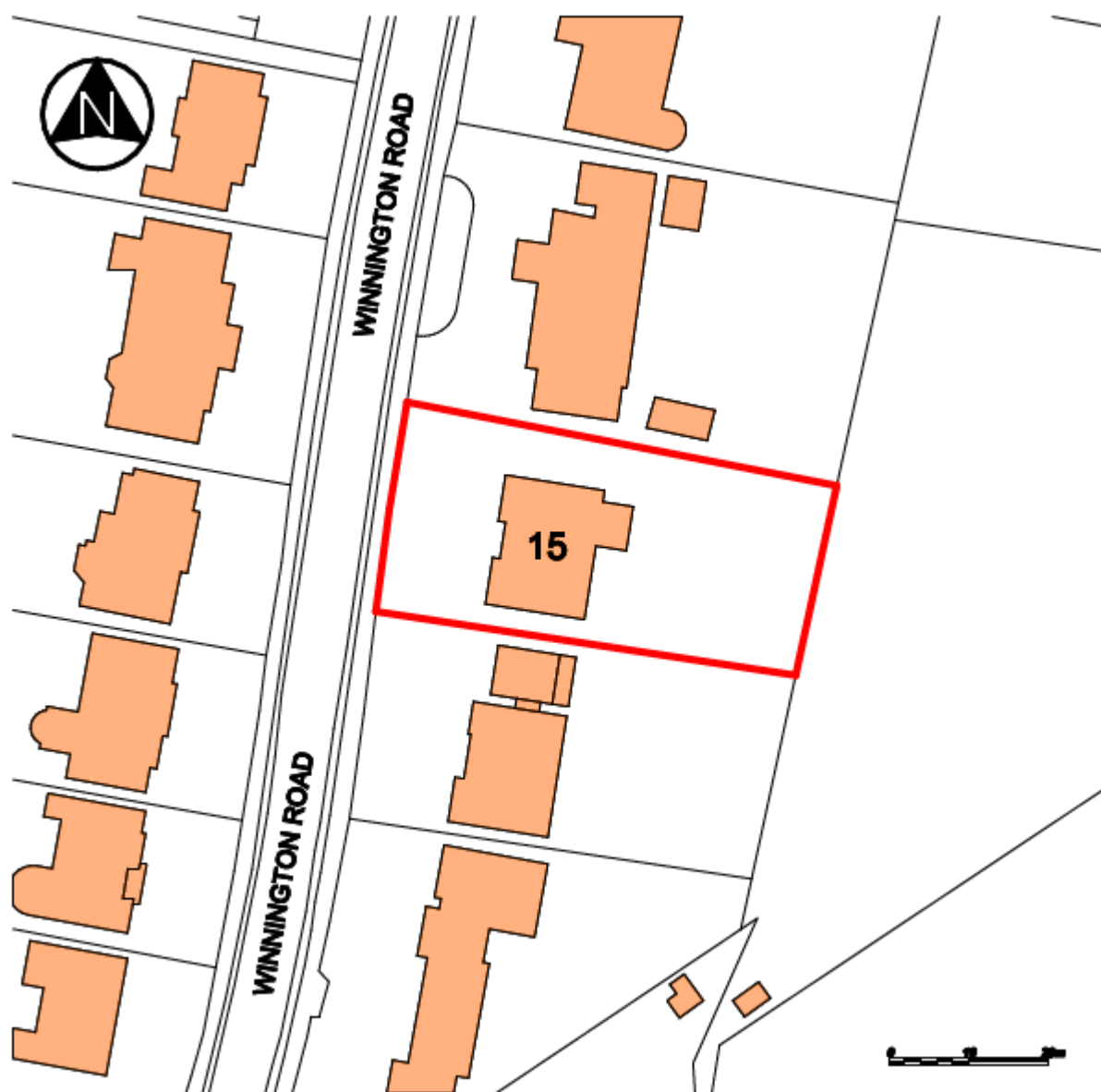
Block Plan

Drawing No. AJS_GAM_689 (Gates drawing and Elevation drawing)

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.





Appeal Decision

Site visit made on 9 April 2015

by C Thorby MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 April 2015

Appeal Ref: APP/N5090/D/15/3004968

15 Winnington Road, London N2 0TP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr B Gerrard against the decision of the Council of the London Borough of Barnet.
 - The application Ref F/04940/14, dated 5 September 2014, was refused by notice dated 3 November 2014.
 - The development proposed is installation of 2 pairs of automatic metal gates and gate pilasters to both existing entrances in the front including provision of railing sections to the rear of existing hedge.
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Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this case is the effect on the character and appearance of the Hampstead Garden Suburb Conservation Area.
3. The front boundaries to the houses along the northern section of Winnington Road are generally lower, more open and less grand than the southern section, better reflecting the informal, domestic style which characterises Hampstead Garden Suburb as a whole. The emphasis on an informal garden setting to the houses is of significance to the historic and architectural interest of the conservation area and is an important part of its garden suburb character and appearance.
4. The hedge at the appeal property, as with others along the road, partially encloses the front garden, but its green and natural character fits in well with the 'garden suburb' approach and contributes to the attractive character of the street. The elaborate and formal appearance of the proposed gates and pilasters would be in complete contrast to the existing character and appearance of this part of Winnington Road and much of the conservation area. The gates, although reduced in size from an earlier scheme, would be substantial and would erode the informal, more exposed garden setting of No 15 reducing its value to the conservation area. The scheme would, therefore, fail to preserve or enhance the character and appearance of the conservation area.
5. Although the harm would be considerable, it would be less than substantial and, in these circumstances, the National Planning Policy Framework (NPPF)

indicates that public benefit can be taken into account. In this case, crime prevention is put forward by the appellant, but it is not clear whether other less intrusive approaches that may have similar benefits have been explored or what the risk of crime is in the area. Nevertheless, while I attach some small weight to the provision of gates, as the appellant views them as a deterrent, this would be insufficient to outweigh the harm arising from the scheme.

6. The support of the Hampstead Garden Suburb Trust would not alter my conclusions on the harmful effect of the proposal on the character and appearance of the conservation area. The case referred to in 2004, pre-dates the approach to heritage assets set out in the NPPF and, therefore, carries limited weight. I do not know the circumstances of the gates at No 14, but they are not typical of the frontage treatments of houses along this part of Winnington Road and would not justify the proposal.
7. The appeal scheme would be contrary to Barnet's Local Plan Development Management Policies policies DM01 and DM06, conservation area design guidance and character appraisal, where, consistent with the NPPF, they seek to protect local character including that of the historic environment. The appeal is dismissed.

Christine Thorby

INSPECTOR