

Location **62 Brent Street London NW4 2ES**

Reference: **17/6080/FUL** Received: 25th September 2017
Accepted: 17th October 2017

Ward: Hendon Expiry 12th December 2017

Applicant: Mr D Kohali

Proposal: Retention of wooden enclosure to the front of the property
(Retrospective Application)

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 enclosure to the front of the property by reason of its size, siting, design and materials used in construction results in a visually obtrusive and incongruous addition to the property detrimental to the character and appearance of the property and the surrounding area, contrary to policy DM01 of Barnet's Local Plan Development Management Policies DPD 2012 and Supplementary Planning Document: Residential Design Guidance 2016.

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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.

2 The plans accompanying this application are:

4709/P001

Design and Access Statement

Officer's Assessment

1. Site Description

The application site relates to a detached property currently in use as a Synagogue and community centre, as approved under H/04830/11 on Brent Street. This is situated in the ward of Hendon. This part of Brent Street to the south of the junction with Queens Road is predominantly residential compared to the north of Brent Street characterised by commercial premises.

The property is not listed or situated within a conservation area.

2. Site History

Reference: H/05950/14

Address: 62 Brent Street, London, NW4 2ES

Decision: Approved subject to conditions

Decision Date: 11 December 2014

Description: Variation of condition 1 (Approved Plans) pursuant to planning permission H/00939/14 dated 30/04/2014 for "Alterations to roof including replacement and increase of ridge height, 1 no. front roof-light, 1no. dormer to both sides and 2no. rear dormers to facilitate a loft conversion to the existing synagogue. Omission of existing front entrance and installation of new window to match existing. Single storey front/side extension following demolition of existing garage and creation of new front entrance". Alterations to include increase height and width of the roof and increase width of the rear dormers.

Reference: H/00939/14

Address: 62 Brent Street, London, NW4 2ES

Decision: Approved subject to conditions

Decision Date: 30 April 2014

Description: Alterations to roof including replacement and increase of ridge height, 1 no. front roof-light, 1no. dormer to both sides and 2no. rear dormers to facilitate a loft conversion to the existing synagogue. Omission of existing front entrance and installation of new window to match existing. Single storey front/side extension following demolition of existing garage and creation of new front entrance.

Reference: H/04830/11

Address: 62 Brent Street, London, NW4 2ES

Decision: Approved subject to conditions

Decision Date: 5 June 2013

Description: The demolition of buildings at 62-64 Brent Street and construction of a new synagogue and community centre at ground and first floors with residential unit on second floor.

Reference: W10557C/00

Address: 62 Brent Street, London, NW4 2ES

Decision: Approved subject to conditions

Decision Date: 27 June 2000

Description: Increase in height of roof of building to give the appearance of an additional floor. Alterations to the front elevation.

Reference: H/00912/09

Address: 62 Brent Street, London, NW4 2ES

Decision: Refused

Decision Date: 3 June 2009

Description: Demolition of existing synagogue and erection of new two storey synagogue plus rooms in the basement and 2No. flats in the roof space. Associated parking.

Reference: W10557E/03

Address: 62 Brent Street, London, NW4 2ES

Decision: Refused

Decision Date: 4 June 2003

Description: Demolition of existing building and erection of new two storey building plus basement with associated changes to parking.

Reference: H/03856/09

Address: 62 Brent Street, London, NW4 2ES

Decision: Refused

Decision Date: 15 December 2009

Description: Demolition of existing synagogue and erection of new two storey synagogue plus rooms in the basement and 2No. flats in the roof space. Associated parking.

Reference: W10557D/00

Address: 62 Brent Street, London, NW4 2ES

Decision: Approved subject to conditions

Decision Date: 23 April 2001

Description: Increase in height of roof of building to give the appearance of an additional floor, single-storey side extension and alterations to front elevation.

3. Proposal

The proposals under this application include:

-The retention of a wooden enclosure to the front of the property. This wooden enclosure would measure a height of 3 metres from the natural highest ground level. However, due to the natural sloping ground level of Brent Street, at the lowest ground level that the application site benefits from, the wooden enclosure to the front of the property would measure a maximum height of 3.75 metres.

4. Public Consultation

Consultation letters were sent to 35 neighbouring properties.

9 responses were received during consultation amounting to 9 letters of objections which can be summarised as follows:

- The excessive height of the wooden enclosure over 2 metres and therefore, oversized.
- The fence being uncharacteristic of the area
- The proposal being a roofed structure, with joists, or an extension rather than an enclosure.
- The wooden enclosure not being compliant with regulations and guidelines
- The negative visual impact of the wooden enclosure
- The property has a rear extension which fails to benefit from planning permission.
- The planning history of the applicant and the application site
- The structure presenting a fire hazard
- The enclosure being used to hide activity on the site

The application was called to committee by Councillor Mark Shooter on the 8th December 2017 in the event that it was recommended for refusal to have the planning merits of the application fully assessed.

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 2015

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.

The Mayor's London Plan 2017 (DRAFT)

'Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.'

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.

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

Residential Design Guidance SPD (adopted April 2013)

- 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 April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;

Whether harm would be caused to the living conditions of neighbouring residents.

5.2 Main issues for consideration

The main issues in this case are considered to be covered under two main areas:

Impact on the character and appearance of the property and general locality (Principle):

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites 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).

Policy DM01 of the Barnet Development Management Policies (2012) states 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.

Similar guidance that seeks good design for walls, fences and gates is set out in the Council's Design Guidance Note 9: Walls, Fences & Gates 1994 and Barnet's Residential Design Guidance SPD (2013).

Paragraph 6.16 of the Residential Design Guidance SPD (2013) states that 'In most cases, the fronts of houses should generally remain open to view in order to increase natural surveillance to the street, therefore walls, fences and hedges defining the fronts of properties should be kept low. Boundary treatments such as high railings and gates can be obtrusive and have a negative impact on the streetscene by conveying a sense of severance and overbearing...front boundaries should reinforce the prevailing character of the streetscape, especially where a continuous uniform treatment forms a distinctive character,' whilst paragraph 6.17 of the aforementioned document states that 'The permitted height of a means of enclosure is generally 1 metre adjacent to a highway and 2 metres elsewhere'

Due to the height of the boundary treatment in situ, the boundary treatment is found to contravene the above due to its' height of 3 metres from the highest natural ground level which increases to a maximum height of 3.75 metres where the natural ground level of Brent Street falls to the south. The height of the wooden enclosure to the front of the property would be a maximum of 2.75 metres above the guidelines outlined for fences adjoining the highway. It is found that a fence of this height, viewable from a prominent highway within the local area, detracts from the appearance of the existing property and hides most of the front of the property from the streetscene through its incongruous development.

With regards to the character of the area, the general character of the area is reflective of front boundary treatments typically 1 metre or below. This is visible at the neighbouring property of No. 64 Brent Street which has a significantly lower boundary treatment than the wooden enclosure to the front of the host site which is continued to the north of Brent Street until the residential properties meet the commercial premises of Brent Street. No. 1 The Approach which sits at the junction where The Approach meets Brent Street also benefits from a low sited wall with metal railings which allow the property to be visible from the street scene and does not appear overbearing or obtrusive, like the height of the wooden enclosure to the front of the host property would appear. These railings follow as the street scene falls in its natural ground level to the south at No. 1 - 28 Ambassador Court; 44 Brent Street and the following properties.

Whilst it is noted that boundary treatment higher than 1 metre exists at the neighbouring property of No. 3 The Approach, from a site visit, it is noted that this sits significantly lower than the proposed wooden enclosure. The fence at this property also falls with the sloping ground level and therefore, follows the natural characteristics of the surrounding area. In comparison, the wooden enclosure at the host property remains a uniform height and fails to respect the natural falling ground level and as such would appear visually obtrusive even next to the higher than generally permissible fence at the neighbouring property.

No. 62 Brent Street looks on towards Brent Green with properties adjoining this streetscene. No. 1 and 2 Goodyears Gardens benefit from side elevations which face

Brent Green and are viewable from the host site. These have higher fences located to the side of their site boundaries however, as these are set rearward of the principal elevation of the property and are used for enclosure of the rear amenity space. To the front of these properties, along the boundary to the side elevation, the fences drop in height and lower in respect to the natural sloping ground level to a sympathetic height which do not appear visually obtrusive or unduly harm the character and appearance of the area or these host properties. Similarly to the host property, a place of worship is located facing towards Brent Green which benefits from a boundary treatment below 1 metre.

As such the wooden enclosure would be seen as an obtrusive and overbearing form of development facing the highway of Brent Street. Its height fails to respect the sloping ground level of the area and results in unduly harm on the character of Brent Street and the surrounding area.

Furthermore, the proposed wooden enclosure includes a canopy which stretches from the principal elevation of the property and meets the fence that abuts the front of the site boundary. This canopy heightens the sense of enclosure that the high boundary treatment has created and results in a loss of light to windows to the front of the Synagogue. As such it is found that the wooden enclosure unduly harms the amenities of the host property. An enclosure of this sort would also fail to be characteristic of the surrounding area. Although, the neighbouring property of No. 3 The Approach has a canopy that fronts Brent Street to the side of their property, this would not appear characteristic of the surrounding area and is situated at a lower height than the application site which is more respectful of the falling ground level.

Whilst the council is sympathetic to the concerns over increased security threats to the Jewish Community and have noted the concerns submitted with the Design and Access Statement submitted with the application, including the prominence of the site facing a highway and in open view of the roundabout, the council must also take a balanced view when deciding planning applications. However, the proposed fence exceeds this height and the height for boundary treatment outlined in the Residential Design Guidance significantly. It is found that the height which the applicant is proposing the wooden enclosure to be retained at would be considered to adversely harm the character of the area.

Impact on the amenities of neighbouring occupiers:

It will be 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. Any subsequent application should include plans demonstrating how this has been achieved.

It is noted that the neighbouring site at No. 64 benefits from significantly lower boundary treatment. However, this site sits at a higher level than the host property with the hardstanding at the front also built at a higher level than the street scene. As such, it is not found that the significant height of the boundary treatment to the front of the property would have a detrimental impact on the users of this property, particularly as this is not a residential property and appears to be in use as a D1 class use from planning history.

The host property also adjoins the neighbouring property of No. 3 The Approach. Whilst this property benefits from a higher fence than usually considered acceptable, as aforementioned this sits approximately over a metre lower than the fence at its maximum

height of 3.75 metres from the lowest natural ground level of this site. The host property sits at a naturally higher level than this neighbouring property, as such it is considered that the wooden enclosure has a overbearing impact on the neighbouring property resulting in a sense of enclosure and loss of light to the neighbouring occupiers at No.3 The Approach.

5.4 Response to Public Consultation

The excessive height of the wooden enclosure over 2 metres

A concern was raised through numerous objections about the overbearing and obtrusive height of the wooden enclosure which exceeds 2 metres in height. The height of the wooden enclosure has been considered in the body of the report and it would be found to be visually obtrusive and an incongruous addition to the front of the property.

The enclosure being uncharacteristic of the area

Another issue raised as a result of the consultation period was that the enclosure is uncharacteristic of the surrounding area. An assessment was made in the section of the main areas for consideration part of the report that the wooden enclosure to the front of the property would be out of character with the surrounding area due to no other property benefiting from boundary treatment of this height whilst enclosures are also uncharacteristic.

The proposal being a roofed structure, with joists, or an extension rather than an enclosure

Throughout the consultation period, an issue was raised that the proposal constitutes a front extension to the property due to its roof which forms an enclosure to the front. The canopy that extends from the principal elevation to meet the boundary treatment to the front of the property has been assessed within the body of the report and is considered to result in a loss of light on the property but also appearing overdeveloped and not considerate of the established character of the surrounding area.

The wooden enclosure not being compliant with regulations and guidelines

In terms of boundary treatment, within the Residential Design Guidance SPD, it states that the permitted height of enclosure is generally 1 metre adjacent to a highway. The proposed boundary treatment to the front of the property therefore, contravenes this guidance by being a maximum of 2.75 metres above this permitted height to the front of the property. Furthermore, the SPD also states that 'front boundaries should reinforce the prevailing character of the streetscape' which in this case the proposed enclosure would appear an overdevelopment of the front amenity space of the property and would not reinforce the prevailing character of the street.

The negative visual impact of the wooden enclosure

As discussed in paragraph 5.3, the wooden enclosure is seen to have a detrimental visual impact on the appearance of the property and the character of the surrounding area due to its excessive height. This is due to it appearing visually obtrusive and incongruous in its scale and siting to the front of the property.

The rest of the property having little regard for planning permission

From conducting a search on the site history for the property, it appears that the property has gone through extensive changes which have gained approval from planning permission.

The property has a rear extension which fails to benefit from planning permission

The rear extension is not part of this proposal and therefore, whether planning permission currently exists for this would not be a material consideration in assessing this application.

The planning history of the applicant and the application site

Whilst the site history of the application site is often explored and researched when assessing a new application, the history of the applicant and the applications submitted by them is also not a material consideration in assessing the application in question.

The character of other synagogues

Objections were also raised highlighting that other synagogues do not need other fences so high and instead use other materials for security measures. The use of materials as boundary treatment to other synagogues in general would not be a material consideration, unless these synagogues were situated in the general locality of this property.

The structure presenting a fire hazard

The structure presenting itself as a fire hazard would need assessment from Building Regulations and would not be a material consideration towards this planning application.

The enclosure being used to hide activity on the site

The activity that is happening on site, as long as it is all part of the current use of the building, would not be a material consideration in assessing this application.

6. Equality 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.

7. Conclusion

Having taken all material considerations into account, it is found that the proposal would not be in keeping with the character and appearance of the surrounding area and Brent Street and would fail to comply with the Residential Design Guidance SPD. As such, this application is therefore recommended for REFUSAL.

8. Conditions should the application gain approval

1) The development hereby permitted shall exist in accordance with the following approved plans:

4709/P001

Design and Access Statement

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).

