

Location **17 Berkeley Crescent Barnet EN4 8BS**

Reference: **18/4634/FUL**

Received: 25th July 2018

Accepted: 25th July 2018

Ward: East Barnet

Expiry 19th September 2018

Applicant: Miss A Jobson

Proposal: Demolition of existing single storey side extension and erection of a new two storey dwelling. Associated parking. New windows to existing house.

Recommendation: Refuse

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 development by reason of its size, design, siting, scale and massing, would close the 'visual gap' afforded by this open corner plot and unbalance the existing pair of semi-detached properties, to the detriment of the character and appearance of the street scene and the wider estate. The proposal is therefore found unacceptable and contrary to Policies CS5 of the Barnet's Adopted Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012) and the adopted Residential Design Guidance SPD (2016) and Sustainable Design and Construction SPD (2016) and London Plan (2016) Policy 7.4.

Informative(s):

- 1 The plans accompanying this application are:

Drawing 1134-P-001 - Site Location and Block Plans

Drawing 1134-S-01 - Existing Site Plan

Drawing 1134-S-02 - Existing Floor Plans and Elevations

Drawing 1134-S-03 - Existing Roof Plan

Drawing 1134-P-200 - Proposed Site Plan
Drawing 1134-P-210 - Proposed Floor Plans and Elevations
Drawing 1134-P-211 - Proposed Roof Plan
Design and Access Statement.
Email from Graham Randall dated 14.09.18 at 14.30 with aerial view attachment
Email from Graham Randall dated 14.09.18 at 18.25 with highlighted aerial view attachment.

- 2 In accordance with paragraphs 38-57 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.

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.

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

1. Site Description

The application site comprises a semi-detached dwelling within a corner plot on Berkeley Crescent, close to the junction with Kingston Road and Pym Close. It is in the ward of East Barnet.

It is not within a conservation area and is not a listed building.

There are no TPOs on site.

2. Site History

Reference: 18/0982/FUL

Address: 17 Berkeley Crescent, Barnet, EN4 8BS

Description: Demolition of existing single storey side extension and erection of a new two storey dwelling. Associated parking. New windows to existing house.

Decision: Refused

Decision date: 13th April 2018.

Reason for refusal:

1. By reason of the proposed development's siting, scale and massing, it would close the 'visual gap' afforded by this open corner plot and unbalance the existing pair of semi-detached properties, to the detriment to the character and appearance of the street scene and wider estate. The proposal is therefore found unacceptable and contrary to Policies CS5 of the Barnet's Adopted Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012) and the adopted Residential Design Guidance SPD (2016) and Sustainable Design and Construction SPD (2016) and London Plan (2016) Policy 7.4.

Reference: N10237A

Address: 17 Berkeley Crescent New Barnet Herts

Description: Single storey side and front extensions

Decision: Approved subject to conditions

Decision date: 20 May 1994

Reference: N10237

Address: 17 Berkeley Crescent New Barnet Herts

Description: Two storey house at side

Decision: Refused

Decision date: 22 September 1992

Reasons for refusal:

1. The proposal would result in an unacceptable sub-division of the site, creating a cramped development which detracts from the character and appearance of the locality.

2. Insufficient car parking.

3. Proposal

"Demolition of existing single storey side extension and erection of a new two storey dwelling. Associated parking. New windows to existing house."

The proposal would involve demolition of the existing single storey side extension and its replacement with a 2 bedroom house (70 sq m) attached to the existing semi-detached house; creating a terrace of 3 houses.

One off street car parking space is proposed.

A new first floor bedroom window is proposed to the rear elevation of the existing house. The first floor of the existing house would also be re-configured involving the existing bathroom window becoming a bedroom window. Therefore two new rear facing first floor windows would be created within the existing house.

An application for a similar proposal was refused on 13th April 2018.

4. Public Consultation

Consultation letters were sent to 104 neighbouring properties.

9 responses have been received, comprising 9 letters of support.

The comments received can be summarised as follows:

- Would improve the appearance of the existing house and surrounding area
- Would provide an affordable home for a local, young, hard working couple
- Lot of development already in the Crescent
- Will improve the area
- There are similar developments in the area, in particular 7 Bourn Avenue, which has had a 1 bedroom property built next to it which has certainly improved the visual aspect of the house. I feel that by allowing this build it would improve the current look of the corner plot of number 17.
- Would improve the outlook from my home
- Lack of affordable housing in Barnet, this young couple should be given the opportunity to build their own home
- Would increase the housing stock in London as there is a shortage. On the estate there are extensions to a number of houses.

Councillor call-in

Councillor Laurie Williams (East Barnet Ward) has requested that, in the event of an Officer recommendation for refusal, the application be determined by the Chipping Barnet Area Planning Committee.

Councillor Williams' planning reason for calling the application in is that he believes that the architectural style and dimensions of the proposed dwelling would mirror the adjacent property; that there are other sites locally where similar development have been allowed and that the density of the estate is relatively low and, to satisfy the demand for affordable housing, intensification needs to be considered and the Committee should be allowed to make a decision or offer guidance.

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.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The revised National Planning Policy Framework (NPPF) was published on 24th July 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth. It is a material consideration in planning decisions. Similar material considerations are the Government's planning policy for traveller sites, and its planning policy for waste as well as Written Ministerial Statements where relevant to planning decisions.

Existing policies in Barnet's Local Plan (2012) and the London Plan (2016) should not be considered out-of-date simply because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF.

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 2031. 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.

Draft London Plan 2017

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, DM03, DM04, DM08, DM17.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

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;
- Whether the proposals would provide suitable living conditions for future occupiers of the proposed dwellings.
- Highways considerations

5.3 Assessment of proposals

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

Berkeley Crescent and the surrounding roads are characterised by semi-detached and terraced properties which appear to be built as part of an estate due to their uniform design and planned layout.

The application property forms part of a pair of semi-detached properties sited on the north-western corner of Berkeley Crescent. They are gable-end two storey roughcast dwellings with pitched roof front projections. They benefit from a simple appearance and fenestration arrangement.

The application proposes to demolish the existing single storey side extension and construct a new two storey dwelling along the flank wall of No. 17 Berkeley Crescent.

Policy CS5 of Barnet's Core Strategy (2012) states that the Council will ensure that development in Barnet respects local context and distinctive local character to create places and buildings of high quality design.

Policy DM01 of Barnet's Development Management Policies Document DPD (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. Development proposals should also retain outdoor amenity space having regard to its character.

London Plan Policy 7.4 (Local Character) states that Buildings, streets and open spaces should provide a high quality design response that:

- a) has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass;
- b) contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area;
- c) is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings;
- d) allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area;
- e) is informed by the surrounding historic environment;

The proposed dwelling would measure 8.2 metres in height and 7.1 metres in width. It would measure a maximum depth of 6.0 metres.

This compares to the dwelling refused under 18/0982/FUL which measured:

8.2 metres in height and 6.7 metres in width. It would measure a maximum depth of 6.7 metres.

Whilst the proposed dwelling would be 0.7m less deep than that proposed by the previously refused scheme it would be 0.4m wider than the previously refused scheme.

The front elevation of the proposed dwelling would be set back by 0.7m from the front elevation of the existing house across its full width.

The refused scheme also had a set back of 0.7m but only across 2.8m of the front elevation.

Whilst the full width set back of 0.7m would contribute to subordination of the proposed dwelling, the increased width of 0.4m would further close the visual gap between the dwellings. The previous scheme was refused because the proposal would close the visual gap. By increasing the width of the proposed house this would further reduce the gap afforded between the properties in this prominent corner position.

Characteristics of the housing estate of which the site forms a part includes the consistent layout and form of dwellings, and the openness of corners/road junctions which contribute to a sense of spaciousness.

The proposed dwelling would match the same ridge height of No. 17 with a gable end roof.

Although Officers accept that the dwelling has been designed to reflect the adjoining properties, the new dwelling would be constructed along the flank wall of No. 17 to create a terrace. It would effectively be one half of a pair, which would give the existing pair of semi-detached properties an unbalanced appearance.

The rear elevation of the proposed dwelling would be sited, at its closest point, approximately 1.0 metre from the rear boundary to No. 15. It would come closer to the boundary than the existing single storey side extension, at two storeys. From observing the layout of the road, it is clear that the garden space to the eastern side of No. 15 was

intended to contribute towards the openness and spaciousness of the estate (as reflected on the opposite side at No. 19 Kingston Road, and to the west at Pym Close).

By reason of the proposed dwelling's siting, scale and massing it is considered that the proposed dwelling would intrude on the visual sense of openness and interrupt the architectural arrangement of the pair of semi-detached properties, and wider layout of the estate. The proposal is therefore considered unacceptable and contrary to Policy DM01.

Although the property already benefits from a side extension it is considered that, at single storey, it has less impact on the openness of this corner plot than the proposed dwelling, which is a substantial addition.

A new first floor bedroom window is proposed to the rear elevation of the existing house, 17 Berkeley Crescent.

The previous scheme (refused application 18/0982/FUL) proposed new first floor windows to both the front and rear elevations of the existing house.

It is accepted that the proposed additional window to the rear elevation of the existing house would not further contribute to the unbalancing of the pair of semi-detached properties as viewed in the streetscene.

The applicant and letters of support have referred to nearby developments which they consider act as a precedent for the proposed new dwellinghouse. It is not considered that there are any directly comparable developments in the immediate vicinity and, notwithstanding this, all planning applications must be decided on their own merits.

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

Policy DM01 of Barnet's Development Management Documents DPD (2012) states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The flank wall of neighbouring property No. 15 is sited approximately 10 metres from the position of the rear elevation of the proposed new dwelling. By reason of this distance it is not considered the dwelling would appear overbearing or impact levels of light to an unacceptable level.

A first floor rear window is proposed in the new house facing No. 15. As it serves a bathroom, it could be obscure glazed through condition, in the event of an approval.

As part of the re-configuration of the first floor of the existing house a new bedroom window is proposed to an existing bedroom to replace the side facing window which will be lost due to the addition of the proposed additional dwelling.

In addition, the rear facing window that currently serves the bathroom would become a bedroom window.

As both of these windows serve habitable rooms they would need to be clear glazed in order to provide a satisfactory level of outlook.

These new habitable room windows would face the habitable room windows in the flank elevation of No. 15 Berkeley Crescent with separation distances of approximately 11m and

15m respectively. Whilst these distances fall below the required 21m between facing habitable room windows, given new window openings to an existing dwellinghouse can be created under permitted development, there is no objection in terms of potential loss of privacy to the occupiers of No. 15 Berkeley Crescent.

The rear building line of the proposed dwelling would not project beyond the rear wall of No. 17. It would therefore not impact the residential or visual amenities of the occupiers on No. 17.

According to the Council's GIS mapping, the distance between the flank of No. 19 Kingston Road and the boundary of the application site is approximately 24 metres. This distance would protect neighbouring occupiers from undue overlooking and loss of privacy.

The plans submitted state 55 sqm of rear garden area would remain for the existing property at No. 17. Planning Officers measure 51 sqm. Notwithstanding this, as a three bedroom dwelling, this outdoor amenity space would meet the requirements set out in Table 2.3 of Barnet's Sustainable Design and Construction SPD (2016).

Quality of Accommodation

One double and one single bedroom are proposed, both rooms meet the minimum spaces standards.

At 70 sqm in gross internal floor area, the unit meets the minimum space standards for a 2 bed, 3 person unit over 2 storeys as set out in the London Plan Housing Standards (MALP 2016).

The dwelling would provide occupiers an acceptable degree of light, outlook and privacy.

Amenity Space

The plans state that 75 sqm of outdoor amenity space would be provided. Although providing outdoor amenity space to the side of a proposed dwelling is unorthodox, it is considered that if the existing high hedging (approximately 1.5m high) is retained along the front boundary, the space would have a reasonable level of privacy to be usable.

This level of provision is acceptable in the context of the requirement for a minimum of 40 sq m for a house with up to 4 habitable rooms.

Highways

1 no off-street parking space is proposed.

The maximum parking standards set out in policy DM17 expect development to provide parking as follows:

2 bed house - 1.5 to 1 space.

The Highways department was consulted and responded stating that it has no objection to the proposal.

The Highways department recommended conditions relating to Construction Management and provision of car and cycle parking spaces.

Cycle Parking

2 no. cycle spaces would need to be provided in order to meet the London Plan requirement. In the event that the application is allowed at appeal a condition could be attached requiring provision of 2 no. cycle spaces in the rear/side garden.

Refuse Storage

Para 15.18 of the Residential Design Guidance seeks to ensure that bin and refuse storage provision is provided within the curtilage of the building. The application drawings show refuse storage within the front driveway area in close proximity to the public highway and as such is considered to be acceptable in principle. In the event that the application is allowed at appeal a condition should be attached requiring provision of details.

5.4 Response to Public Consultation

Addressed elsewhere in this report.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set out in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

It is considered that by reason of the proposed development's size, design, siting, scale and massing, it would close the 'visual gap' afforded by this open corner plot and unbalance the existing pair of semi-detached properties, to the detriment to the character and appearance of the street scene and wider estate. The proposal is therefore found unacceptable and contrary to Policy DM01, Policy CS5 as well as London Plan Policy 7.4.

This application does not overcome the previous reason for refusal and is therefore recommended for refusal once again.

