

Location **213 - 215 Golders Green Road London NW11 9BY**

Reference: **18/0579/RCU** Received: 26th January 2018
Accepted: 4th June 2018

Ward: Golders Green Expiry 30th July 2018

Applicant: Mr Samuel Grosz

Proposal: Erection of a part three storey, part four storey building with rooms in roofspace, following partial demolition of existing building. Use as synagogue (Class D1) at ground floor level. Internal alterations to reduce 9no existing unauthorised self-contained flats to 7. Associated Alterations to hard/soft landscaping, refuse/recycling facilities and 6no. off street parking spaces. Erection of a single storey outbuilding with basement level as use as a Mikveh pool following demolition of existing outbuilding. Works are partly retrospective.

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 would result in a significant increase of the existing synagogue use on the site, without the submission of any supporting information related to the increase in terms of activities, numbers and mitigation to neighbouring properties. In the absence of such details, the proposal would lead to an unacceptable intensification of use of the site resulting in a significant increase in noise, disturbance and comings and goings with a resultant cumulative impact on the character of the area and amenity of occupiers of the neighbouring properties. The proposal therefore fails to comply with policies CS1, CS5 and CS13 of Barnet's Adopted Core Strategy (2012) and policy DM01 of the Adopted Development Management Policies DPD (2012).
- 2 The part-three, part-four storey building would represent an overly dominant form of development within the application site and streetscene by reason of its bulky and out of scale roof structure, and would be inappropriate and out of context with the prevailing character of the streetscene and would introduce a building detrimental to the character and appearance of the area, contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012) and policy DM01 of the Adopted Development Management Policies DPD (2012).
- 3 The internal floor area of flats 4 and 7 fails to meet the minimum internal floor space requirements and the proposal fails to provide any outdoor amenity space for any occupiers of the residential units. As such, the proposal would fail to provide a

satisfactory standard of accommodation for the existing and the future occupiers of these units, being contrary to Policies CS NPPF, CS1 and CS5 of Barnet's Adopted Core Strategy (2012), Policy DM01 and DM02 of the Adopted Development Management Policies DPD (2012), the Adopted Sustainable Design and Construction SPD (2016) and the Adopted Residential Design Guidance SPD (2016).

- 4 The proposed intensification of the forecourt area, by reason of the parking arrangement and enclosed refuse areas would be inappropriate and out of context with the prevailing character of the area and would introduce a prominent feature detrimental to the character and appearance of the site and streetscene, 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).
- 5 The proposed parking arrangement within the forecourt does not provide sufficient distance between the parking spaces, preventing safe and easy turning within the site. As such, the proposal would cause detrimental harm to highway and pedestrian safety and the free-flow of traffic, contrary to policy 6.13 of the London Plan and policies CS9 and CS15 of the Adopted Core Strategy (2012), and Policy DM17 of the Adopted Development Management Policies DPD (2012).

Informative(s):

- 1 The plans accompanying this application are:

GGNRD - L301 (Pre-Existing - Location Plans)
GGNRD - P301 (Pre-Existing - Ground Floor)
GGNRD - P302 (Pre-Existing - First Floor)
GGNRD - P303 (Pre-Existing - Loft Plan)
GGNRD - P304 (Pre-Existing - Roof Plan)
GGNRD - E301 (Pre-Existing - Front/ Rear Elevations)
GGNRD - E302 (Pre-Existing - Side Elevation 1)
GGNRD - E303 (Pre-Existing - Side Elevation 2)

GGNRD - L201 A (Existing - Location Plans)
GGNRD - P201 A (Existing - Ground Floor)
GGNRD - P202 A (Existing - First Floor)
GGNRD - P203 A (Existing - Second Floor)
GGNRD - P204 A (Existing - Loft Plan)
GGNRD - P205 A (Existing - Roof Plan)
GGNRD - E201 A (Existing - Front and Rear Elevations)
GGNRD - E202 (Existing - Side Elevation 1)
GGNRD - E203 A (Existing - Side Elevation 2)

GGNRD - L401 A (Proposed - Location Plans)
GGNRD - P401 A (Proposed - Ground Floor)
GGNRD - P402 A (Proposed - First Floor)
GGNRD - P403 A (Proposed - Second Floor)
GGNRD - P404 A (Proposed - Loft Plan)
GGNRD - P405 A (Proposed - Roof Plan)
GGNRD - E401 A (Proposed - Front and Rear Elevations)
GGNRD - E402 A (Proposed - Side Elevation 1)

GGNRD - E403 A (Proposed - Side Elevation 2)
GGNRD - E404 A (Proposed - Front Street Elevation)
GGNRD - S401 A (Proposed - Section AA')
GGNRD - S402 (Proposed - Section BB')

GGNRD - RO401 (Proposed - Rear Outbuilding)

Planning, Design and Access Statement

- 2 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 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 is located on the south-western side of Golders Green Road, within the ward of Golders Green.

The site comprises of a two-storey building with rooms in the roofspace and currently comprises of a Synagogue at ground floor level and 9no. self-contained flats (unauthorised) on the upper floor levels. At the front of the site there are 8no. off-street parking spaces which are accessed from Golders Green Road. At the rear of the site, a large outbuilding has been constructed with a communal plunge pool and associated changing and washing facilities.

The site is located close to the corner of Golders Green Road and Limes Avenue, directly opposite the Jewish Care Building. This section of Golders Green Road is characterised by residential properties of varying types and styles.

2. Site History

Reference: 18/0580/FUL

Address: 213 - 215 Golders Green Road London NW11 9BY

Decision: Withdrawn

Decision date: 14.03.2018

Description: Demolition of existing outbuilding. Erection of a replacement outbuilding with basement level including a communal Mikvah pool

Reference: 15/04047/FUL

Address: 213 - 215 Golders Green Road London NW11 9BY

Decision: Withdrawn

Decision date: 01.09.2015

Description: Conversion of upper floors into 8 no. self-contained flats including two storey front extension; first floor rear extension; alterations and extensions to roof including partial hip to gable to both sides and 4no. rear dormers; creation of a 3rd floor level to provide and additional flat; alterations to hard/soft landscaping, refuse/recycling facilities and 6no. off street parking spaces

Reference: 15/02152/FUL

Address: 213 - 215 Golders Green Road London NW11 9BY

Decision: Withdrawn

Decision date: 11.06.2015

Description: Conversion of upper floors into 9no. self-contained flats including two storey front extension; first floor rear extension; alterations and extensions to roof including partial hip to gable to both sides and 4no. rear dormers; creation of a 3rd floor level to provide and additional flat; alterations to hard/soft landscaping, refuse/recycling facilities and 6no. off street parking spaces

Reference: F/04598/11

Address: 213 - 215 Golders Green Road London NW11 9BY

Decision: Approved subject to conditions

Decision date: 16.01.2012

Description: Removal of existing outbuildings and erection of outbuilding at rear of 213 & 215 Golders Green Road incorporating a communal Jacuzzi/ plunge pool and associated changing and wash facilities.

Reference: F/02675/10

Address: 213 - 215 Golders Green Road London NW11 9BY

Decision: Approved subject to conditions

Decision date: 23.09.2010

Description: Extension to roof including front, side and rear dormer windows to facilitate a loft conversion to 213 & 215. Part single, part two-storey rear and front extension to 213 & 215.

Reference: F/01505/10

Address: 213 - 215 Golders Green Road London NW11 9BY

Decision: Withdrawn

Decision date: 27.05.2010

Description: Part single, part two storey rear extension to existing synagogue. Provision of additional 1x 1 bedroom flat in loft, following alterations to roof including wrap-around side and rear dormer and alterations to front dormer. Change of use of first floor from residential to synagogue and ancillary facilities.

Reference: F/01506/10

Address: 215 Golders Green Road London NW11 9BY

Decision: Withdrawn

Decision date: 26.05.2010

Description: First floor front and rear extension. Provision of additional 1x 1 bedroom flat in loft, following alterations to roof including wrap-around side and rear dormer and alterations to front dormer.

Reference: C01687D/00

Address: 213 Golders Green Road London NW11 9BY

Decision: Approved subject to conditions

Decision date: 26.09.2000

Description: Single storey rear extension to Synagogue.

Reference: C01687C/00

Address: 213 Golders Green Road London NW11 9BY

Decision: Approved subject to conditions

Decision date: 17.04.2000

Description: Variation to condition 5 of planning permission ref.C01687B dated 13th September 1999 which relates to the hours of use of the synagogue.

Reference: C01687B

Address: 213 Golders Green Road London NW11 9BY

Decision: Approved subject to conditions

Decision date: 17.04.2000

Description: Change of use of ground floor from residential to a synagogue. Continued residential use of first and second floors as two flats. Car parking area at front with access onto Golders Green Road. Associated car parking at front of 215 Golders Green Road.

Enforcement

Reference: ENF/00350/15

Address: 213 - 215 Golders Green Road London NW11 9BY

Status: Pending Consideration

Nature: Building works without the consent of planning permission

Reference: ENF/01549/17

Address: 213 - 215 Golders Green Road London NW11 9BY

Status: Pending Consideration

Nature: Erection of an Outbuilding not built to approved plans

3. Proposal

The application seeks retrospective permission for the erection of a part-three, part-four storey building with rooms in the roofspace, comprising of a mixed-use building with the retention of Synagogue at ground floor and residential flats above.

Permission is sought for alterations to reduce the number of self-contained units from nine to seven at upper floor levels. The proposal will remove the existing unlawful outbuilding to the rear and erect a single-storey outbuilding with basement level for the use of a Mikveh pool. The proposal also includes the provision of 6no off-street parking spaces at the front of the site with new areas for refuse/recycling facilities.

New landscaping is proposed at the front and rear of the site.

4. Public Consultation

A call-in request has been received from Councillor Dean Cohen that the application should be referred to the committee for the following reason: " I would like this brought to committee as I believe the retention of the synagogue and the reduction in the unauthorised flats would then be in keeping with the character and appearance of the surrounding area. The proposal supports the use of a community and religious facility in the borough. I don't feel the proposal would have a detrimental impact on the residential amenities of neighbouring occupiers."

Consultation letters were sent to 195 neighbouring properties.
1 response has been received, comprising 1 letter of objection.

The objections received can be summarised as follows:

- Overdevelopment
- Lack of green open space / landscaping
- Increase in noise from Mikvah
- Poor visual appearance of the proposed outbuilding

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 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.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. 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.

The London Plan is currently under review. 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 adopted 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, CS4, CS5, CS9, CS10, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM13, 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:

- Principle of development and 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;
- Provision of adequate accommodation for future occupiers;

- Highways safety and parking provision.

5.3 Assessment of proposals

Principle of development and Impact on the character and appearance of the existing site, streetscene and wider locality

In terms of the principle, the site has historically, since 2000, been in use as a synagogue with associated ancillary office and residential accommodation on the upper levels. However, the synagogue only previously occupied the ground and first floors of one of the semi-detached properties. The retention of a synagogue use (Class D1) at ground floor level raises no in-principle policy objection as the site is located in an area of good public accessibility and is within walking distance of the Golders Green Town Centre. However, the proposal results in a significantly larger synagogue which has the space for an increased capacity and opportunity for further activities on the site. The application is not accompanied with any supporting information to detail the proposed use of the site, in terms of numbers, activities, comings and goings or highways information. Therefore, the LPA is unable to establish whether the significant intensified use of the site would have an acceptable impact on the surrounding area or the amenity of neighbouring occupiers. As such, the proposal would result in a significant increase in noise, disturbance and comings and goings which would have a cumulative harmful impact on the character of the area and the amenity of neighbouring occupiers.

The site originally consisted of a pair of two-storey semi-detached properties which received permission under reference: F/02675/10 to extend the roof and to erect part-single, part two-storey rear and front extensions. This proposal is illustrated under the submitted 'Pre-Existing' plans.

However, as illustrated by the submitted 'Existing' and 'Proposed' plans, the existing buildings were partially demolished and a significantly larger and different scheme has been constructed on site. The agent has confirmed that the two side elevations and part of the front elevation were retained but the rear elevation and roof was rebuilt from scratch. In addition, a large outbuilding was constructed within the rear grounds of the site.

In terms of layout, the ground floor footprint of the as-built main building is broadly similar to that previously existing. The difference being the as-built projects approximately 1m further forwards. The overall width of the building is similar to the existing. At first floor level, the as-built and proposed plans project further by approximately 1-3m than the previous building. The second floor has been increased considerably extending out flush to the front and side elevations. New accommodation has been provided at the top level of the roof.

From an elevational perspective, the as-built and proposed scheme is considerably different from a scale, massing and appearance perspective. The traditional and proportional features of the front gable bay windows, subordinate side and rear dormer windows have been lost and replaced with much larger and bulkier features. While the overall ridge height is only slightly higher than was existing, the as-built and proposed roof structure is significantly larger, bulkier in scale, resulting in a dominant visual appearance within the building. This is further emphasised by the roof form of the side and rear elevations.

This increased bulk and massing is particularly evident from all elevations and as such is considered to have a significant harmful impact on the character and appearance of the existing building and the streetscene.

Permission for an outbuilding incorporating a plunge pool and associated changing and wash facilities was originally granted permission in 2012 under Barnet reference F/04598/11. However, a significantly larger outbuilding was constructed unlawfully which occupied the majority of the rear area. This building is subject to enforcement action which requires the applicant to remove the building. Under this current application, it is proposed to remove the outbuilding completely and erect a new outbuilding which would be identical in scale and layout as was previously approved. In addition, the proposed outbuilding would have a basement level below but would not contain any external manifestations which would make it visible. It is considered that the scale, design and height of the proposed outbuilding would not be harmful to the character and appearance of the area.

Within the forecourt of the site, it is proposed to have off-street parking provision of 6 spaces and two separate bin storage areas at the front of the site adjacent to the public footpath. It is considered that the combined plot frontage would appear dominating within the streetscene in terms of the level of hardstanding and the requirement to have two separate refuse stores to manage the intensification of the site would introduce prominent features within the streetscene. The cumulative impact of the parking and refuse storage is considered to have a harmful effect on the character and appearance of the site and streetscene.

Impact on the residential amenity of neighbouring occupiers

The proposed Synagogue floor space has been considerably increased by approximately double in size. No supporting information has been submitted to describe the increase or explain how the increase will be managed on the site in terms of any associated impact on the amenities of neighbouring occupiers. Therefore, the LPA is unable to determine whether the proposal will have an acceptable impact on residential amenity.

In terms of the proposed outbuilding, it is not considered that the scale and height of the building would have any significant adverse impact on the residential amenities of neighbouring properties. Environmental Health have raised concerns regarding the potential noise / disturbance when the building is in use with previous complaints being received. However, Environmental Health have suggested a number of mitigation measures that could be incorporated to help reduce any potential impact. These include restricting the hours of use of the building, construction of acoustic fencing along the neighbouring properties and submitting an acceptable noise report.

The proposed entrance to the upper level residential flats is located along the side entrance facing No. 111 Golders Green Road. A site visit has confirmed that there are a number of windows along the side elevation of No.111. However, it is acknowledged that in the existing building, the entrance to the lady's gallery on the first floor was located in a similar position. This would likely have possible greater movements and noise /disturbances than the proposed residential units. As part of this application, the number of flats proposed is seven which will decrease the number of occupiers using this entrance. On balance, this element is considered to be acceptable.

Provision of adequate accommodation for future occupiers

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan. There are 9no flats (unauthorised) within the as-built existing building. However, a couple of these do not comply with the minimum space standards. As such, the proposal seeks to reduce the number of self-contained units from nine to seven. The proposal provides for 2 x 1B1P

units, 1 x 1B2P unit, 3 x 2B3P units and 1 x 3B5P unit. However, there would be a 1sqm shortfall for flat 6 and a 3sqm shortfall for flat 7.

The proposal does not provide any outdoor amenity space.

As a cumulative shortfall on both internal floorspace and with no outdoor amenity space provided, the proposal would fail to provide a satisfactory standard of accommodation for future occupiers of these units.

Highways safety and parking provision

Policy DM17 states that the Council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- 0 to 1 space per unit for development consisting mainly of flats (1 bedroom)
- 1 to 1.5 spaces per unit for terraced houses and flats (2 to 3 bedrooms)

The application proposes 3 x 1-bed, 3 x 2-bed and 1 x 3-bed units. Therefore, it is expected that the proposal should provide between 4 to 9 spaces. The proposal provides 6 off-street parking spaces to be sited at the front of the site.

The Council's Traffic and Development service has reviewed the proposal and stated that the site is located within a CPZ, has a good PTAL and the provision of 6 parking spaces would be compliant with policy DM17 standards. It is considered that the overspill parking from the Synagogue would generate a minimal parking stress at peak times of use and existing residents' parking amenity would not be detrimentally impacted upon. In summary, the Highways Officer considers that the proposal will not generate a significant negative impact on the performance and safety of the surrounding highway network or its users.

However, the parking arrangement at the front of the site does not provide sufficient turning space within the site. There is only an approximate separation distance of 4.5m between spaces. Therefore, vehicles do not have the ability to manoeuvre within the site and this could lead to vehicles reversing out onto Golders Green Road. As such, the proposal would result in a harmful impact on vehicle and pedestrian safety and the free flow of traffic.

5.4 Response to Public Consultation

Overdevelopment - The layout of the building is broadly similar to the existing building. However, the LPA shares the concern that the increased massing and bulk at the upper floor levels is excessive, out of scale and has a harmful visual impact.

Lack of green open space / landscaping - It is noted that historically that the site has had no or limited landscaping. New soft landscaping is proposed as part of this proposal which is considered to be an improvement upon the previous position.

Increase in noise from Mikvah - It is acknowledged that there have been previous noise complaints regarding the use of the outbuilding. It is unclear whether this relates to the current unlawful building, however, this is to be removed and replaced with a much smaller building which has a small capacity. Environmental Health has suggested a number of further additional mitigation measures to help limited any associated noise.

Poor visual appearance of the proposed outbuilding - It is acknowledged that the proposed outbuilding is of limited architectural interest. However, it will only appear as a single-storey outbuilding located at the rear of the site and is not considered to have a significant harmful impact on the character and appearance of the site or streetscene which would warrant a reason for refusal.

6. Equality and Diversity Issues

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- "(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

For the purposes of this obligation the term "protected characteristic" includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to refuse planning permission for this proposed development will comply with the Council's statutory duty under this important legislation.

The proposed development would provide for an enlarged and improved Synagogue facility with associated outbuilding. It is stated the residential units are currently occupied by students and their families studying at the Synagogue.

However, the building has been constructed without the benefit of planning permission and a considerably larger building has been constructed than previously approved.

The Local Planning Authority does not object to the principle of a mixed-use development comprising of a synagogue at ground level with associated outbuilding and residential units on the upper levels, but considers that the proposal would result in a considerable harmful effect on the character and appearance of the site, streetscene and wider locality and the amenity of neighbouring residential occupiers. The proposal is therefore considered contrary to Policies CS NPPF, CS1, CS5 and CS13 of the Barnet's Adopted Core Strategy (2012) and Policy DM01 of the Adopted Development Management Policies DPD (2012).

The positive impacts created by the proposed development are not considered to carry sufficient material weight to justify the construction of an unacceptable and harmful building

in terms of character and appearance, highway safety and amenity impacts which is contrary to policy.

It ought to be possible to provide the positive impacts that are sought by the applicant and at the same time, by providing supporting information and/or details to justify the increased intensity of the site, construct a building that accords with development plan policy by amending and reducing the proposed design. Such improvements could include reducing the bulk, scale, massing and height of the roof structure. It is considered that it could be possible to make such changes without creating a negative impact on the protected characteristics of the users of the Synagogue.

It is considered that 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 considered that the proposed development would have an unacceptable impact on the character and appearance of the application site, the street scene and the locality. The development is considered to have an adverse impact on the amenities of neighbouring and future occupiers. The parking arrangement within the forecourt does not provide for suitable turning space and is a highways safety issue. This application is therefore recommended for refusal.

