

**LOCATION:** Feline Court, 23 Cat Hill, Barnet, Herts, EN4 8HF

**REFERENCE:** B/04062/12                      **Received:** 23 October 2012  
**Accepted:** 23 October 2012

**WARD(S):** East Barnet                      **Expiry:** 18 December 2012

**Final  
Revisions:**

**APPLICANT:** Sadlers Estate Management

**PROPOSAL:** Construction of a mansard roof incorporating dormer windows to form an additional floor to existing three-storey block and create 8 self-contained units. Creation of 8 off street parking spaces. Replacement of all windows in existing building, and creation of new balconies at first and second floor levels to front (south west) and rear (north east) elevations.

**RECOMMENDATION: REFUSE**

1. The proposed replacement roof, by reason of its massing, design and appearance, and the resultant formation of four storey high vertical walls to this building, would appear as an overly bulky, prominent and visually obtrusive addition to the building. It would not respect the scale or appearance of the existing building, and would be detrimental to the character and appearance of the street scene and the wider locality. The proposal would therefore be contrary to Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), Policies DM01 and DM02 of the Local Plan Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (consultation draft November 2012).
2. The development does not include a formal undertaking to meet the extra health, education and libraries services costs together with associated monitoring costs arising as a result of the development, contrary to Supplementary Planning Document - Planning Obligations, Supplementary Planning Document - Contributions to Health Facilities, Supplementary Planning Document - Contributions to Education, Supplementary Planning Document - Contributions to Libraries, and Policies CS10, CS11 and CS15 of the Local Plan Core Strategy (Adopted September 2012).

**INFORMATIVE(S):**

1. The plans accompanying this application are: Drawing Nos. 389111/1, 389111/2A, 389111/3B, 389111/4D, 389111/5B (received 15 November 2012).
2. In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority 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 proposals do not comply with the relevant policies and guidance as set out in the reasons for refusal. The applicant did not seek to engage with the Council 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 Council to discuss possible solutions to the refusal reasons.

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework

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 July 2011:

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.

### Relevant Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.

Relevant Development Management DPD (2012): Policies DM01, DM02 and DM17.

### Supplementary Planning Documents and Guidance

Design Guidance Note No 5 – Extensions to Houses

The Council guide 'Extension to Houses' was approved by the Planning and Environment Committee (The Local Planning Authority) in March 2010. This

supplementary planning guidance (SPG) 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.

Included advice 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.

In respect to amenity, 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.

The Council adopted a Supplementary Planning Document (SPD) "Sustainable Design and Construction" (June 2007), following public consultation. This SPD provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

The Council is currently consulting on the following two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations. The Residential Design Guidance SPD (consultation draft November 2012) and Sustainable Design and Construction SPD (consultation draft November 2012) are now material considerations.

#### Relevant Planning History:

**Application Number:** B/03032/12  
**Application Type:** Full Application  
**Decision:** Withdrawn  
**Proposal:** **Construction of a mansard roof incorporating dormer windows to form an additional floor to existing three-storey block and create 8 self-contained units. Creation of 8 off street parking spaces.**

#### Consultations and Views Expressed:

Neighbours Consulted: 176 Replies: 3 letters of objection and 12 letters of support  
Neighbours Wishing To Speak: 2

The objections raised may be summarised as follows:

- Top and second floor balconies would overlook neighbouring properties.
- Balconies will lead to noise at unsociable hours
- Additional height would reduce light to neighbouring properties.
- Additional parking is not being proposed. The existing block of 24 flats was built with 26 garages, two visitor spaces and parking on the hardstanding. The garages have been rented to builders and are not used by occupants of the flats. The hardstanding area is already being used for parking and the proposal to provide parking here is not true.

- A four storey high building would be out of character with the area.

The letters of support include the following comments (summarised):

- The development will lead to great improvements to both the internal and external decoration of the flats.
- It will bring benefits to the residents and the community.
- The flats require a new roof.
- Surrounding flats have balconies.

Councillor Rams has requested that this application be referred to the Planning Committee for consideration.

#### Internal /Other Consultations:

Traffic and Development: The proposal is for 8 additional flats which will result in a total of 32 units. The existing carpark will be rearranged to provide a total of 32 spaces. No changes are proposed to the existing vehicular access. The proposed residential development with 32 flats and 32 parking spaces is considered acceptable in this location.

Date of Site Notice: 08 November 2012

## **2. PLANNING APPRAISAL**

#### Site Description and Surroundings:

The application site contains a three storey building, to the south of the junction between Cat Hill and Brookhill Road. Cat Hill slopes up from south to north in this location. To the very north of the application building, fronting Cat Hill, are two three-storey blocks of flats. To the west of these are dwellings fronting Brookhill Road. A residential tower block is to the east. There are two storey residential dwellings to the west of the application site, and East Barnet Local Centre to the south.

The existing building has a standard pitched roof, with the ridge running from south-east to north-west.

#### Proposal:

This application proposes the replacement of the existing pitched roof with a mansard roof, incorporating dormer windows to all sides. The larger roof would facilitate the creation of 8 residential units, comprising 3 studio flats, 4 two-bed flats and 1 three-bed flat. It is also proposed to demarcate an additional 8 parking spaces to the existing parking area, to replace all the windows in the existing building, and create new balconies at first and second floor levels to the front and rear elevations.

At present, the building has a staggered footprint, with pitched roofs over both elements. The smaller element, toward the rear, has a lower pitched roof. It is proposed to replace the roof over the entire building with a mansard roof with a flat crown. The proposed roof would match the height of the ridge to the taller pitch, and this height would be continued across the entire width of the building. Dormer windows of varying sizes would be inserted within the front and rear roofslopes, with the side roofslopes forming gable ends, with windows inserted within these ends. The proposed windows would reflect the size and alignment of the windows below, to facilitate the use of this roofspace for new residential units.

In addition to the above, it is proposed to replace all the windows within the existing building with double glazed units. Furthermore, new balconies are to be created for the existing flats at first and second floor levels to the front and rear. The proposed balconies would measure 2.8 metres in width by 1.2 metres in depth.

### Planning Considerations:

#### *Design: Roof*

As noted above, the application site is located on a steeply sloping part of Cat Hill. The existing three storey building is fairly large in massing, and is a prominent building when approached along Cat Hill. The existing pitched roof, with a single ridge projecting away from the road, ensures the massing of the building is minimised when viewed from Cat Hill and the surrounding area. This pitched roof arrangement also reflects the roof forms of the majority of the neighbouring buildings. The buildings to the south containing shops, within the East Barnet Local Centre, have pitched roofs, as does the flatted development to the north of the site and the residential dwellings adjacent to this. The presence of pitched roofs ensure the buildings retain a residential scale about them, in keeping with the residential nature of the locality. The proposal would increase the massing and bulk of the existing building considerably, by replacing the conventional pitched roof with a large mansard roof with a flat crown. In addition, whilst the existing building has two pitched roof sections, with a lower ridge over the smaller, rearmost element which breaks up the mass and bulk at roof level, the proposed roof would be of a uniform height commensurate with the height of the taller ridge across the entire building. The mansard roof would have a steep pitch, with the presence of dormer windows and gable sides further increasing its massing.

It is noted that the highest point of the existing roof occurs at the ridge, which is set in from the front and the rear of the building. In contrast, the proposed mansard roof with a steep pitch will reach its highest point in close proximity to the edge of the building. As such, the taller roof would be more evident when viewed from about the building and would exacerbate the additional massing. Given its size, scale and massing, the proposed mansard roof would appear as a prominent and visually obtrusive feature which would not respect the scale of the existing building and would appear as a dominant feature within the locality.

In addition to the above, it is noted that at the point where the existing building has a stagger, the three storey wall is topped as existing by a pitched roof with a shallow pitch, which keeps the remaining massing of this wall to a minimum. In contrast, the proposed roof, with an increased height and massing, results in a four storey high bland wall, which would be visible from Cat Hill. Whilst the submitted drawings show the top element of this wall above the main eaves line to be tile-hung, it will remain a four storey high flank wall with few design breaks. The flank wall facing Cat Hill would also be a four storey high vertical wall. The four storey high walls would appear as awkward and visually obtrusive features when viewed from Cat Hill and would be detrimental to the character and appearance of the existing building.

#### *Design: Balconies*

The proposed balconies would be constructed to the main front and rear elevations. Details of the proposed materials to be used in the formation of these balconies have not been submitted as part of this application, but the appearance of the balconies could be secured by condition. The proposed balconies would not appear as

prominent features in the street scene, as they would be set back from Cat Hill and read against the wider massing of the existing building. It is therefore considered that the balconies would not be detrimental to the character and appearance of the application building.

The replacement of the existing windows with double glazed windows is not considered objectionable, as it would not adversely affect the appearance of the building or the amenities of the occupants of any neighbouring property.

#### *Amenities of occupants*

The submitted Design and Access Statement confirms that the proposal would achieve Lifetime Homes standards. The sizes of the units proposed, and the rooms within those units would comply with the minimum size requirements as set out in the Council's consultation draft Sustainable Design and Construction SPD and in the Mayor's Housing SPG. The rooms to be created would have an adequate outlook and contain adequate fenestration. Occupants of the proposed units would have access to the existing garden area to the flats, and occupants of first and second floor flats would now benefit from balconies as amenity areas as well as having use of the garden area. The application site would retain sufficient amenity space for the occupants of the existing and proposed units, especially mindful that some units will now benefit from the provision of balconies.

#### *Amenities of neighbours.*

The proposed units at third floor level would have an outlook not dissimilar to that of the occupants of the existing second floor units. The windows to the proposed units would be sufficient distance from the neighbouring properties such that they would not adversely affect the privacy of the occupants of any neighbouring properties. The proposed roof extension would be set away from the neighbouring properties such that it would not appear overbearing or visually intrusive when viewed from any neighbouring property.

#### *Parking:*

The existing building contains 8 flats on each floor, with a total of 24 residential units. The proposal would result in an additional 8 units, and a total of 32 flats on the site. The existing car park area is proposed to be re-surfaced and rearranged to provide a total of 32 spaces (including the existing garages). The proposal therefore provides for sufficient parking in accordance with the Council's adopted policies, and no objections are raised.

#### *Obligations*

The increase in population resulting from the proposed development would result in additional pressures on healthcare, education and library facilities in the borough. Financial contributions are therefore required to be secured toward the costs associated with these additional pressures. The contributions are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

Government Circular 05/05 and the Council's adopted SPD for section 106 related planning obligations is applicable for this site in respect of the following areas:

Adopted policy indicates that the Council will seek to enter into planning obligations in conjunction with new developments to secure the provision of community and religious facilities, health and social care facilities and library facilities where a

residential development creates a need for school places contributions will be secured for such purposes via planning obligations.

The purpose of planning obligations is to make acceptable development which would otherwise be unacceptable in planning terms. Circular 05/2005 supports the use of planning obligations to secure contributions towards community infrastructure to mitigate the impacts of new development, provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind.

Para. B5 of the Circular sets out five policy tests that must be met by the LPA when seeking planning obligations. In addition, Regulation 122 of the Community Infrastructure Levy Regulations, which came into force on 6 April 2010, makes it unlawful for a planning obligation to be taken into account in determining a planning application if it does not meet the three tests set out in Regulation 122. These statutory tests are based upon three of the five policy tests in Circular 5/2005 at paragraph B5 (tests (ii), (iii) and (iv)).

The recovery of costs for the monitoring of planning obligations is set out in Section 8 (para's 8.3 & 8.4) of the Planning Obligations SPD.

#### Education needs generated by the development:

Circular 05/2005 supports the use of planning obligations to secure contributions towards educational facilities, provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind.

The proposal would provide an additional residential unit, which would generate an increased demand for educational facilities in the area. The calculation of additional demand (SPD para's 4.6-4.14), existing facilities and capacity (SPD para's 5.5-5.12), method of calculating the required contribution (SPD para's 3.1-3.15 and 4.1-4.5), and use of the contributions (SPD para's 5.13-5.14) are set out in the Council's SPD "Contributions to Education" adopted in 2008.

It is considered that a financial contribution towards future education facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this.

To accord with policy and the SPD the proposed scheme of one residential unit would require a contribution of £18435 plus a monitoring fee of 5%.

#### Contributions to library services:

The increase in population resulting from development is expected to place serious pressures on libraries, which are already required to meet all the needs of Barnet's diverse community. Developer contributions are therefore necessary to ensure service provision mitigates the impact of their development activity.

The adopted SPD "Contributions to Library Services" sets out the Council's expectations for developers contributions to the provision and delivery of a comprehensive and efficient library service, with the aim of opening up the world of learning to the whole community using all media to support peoples educational, cultural and information needs. The SPD provides the calculation of additional demand (para's 4.10-4.12), existing facilities and capacity (para's 1.1-1.4 & 2.5), method of calculation (para's 2.4 & 3.1-3.11), and use of funds (para's 5.1-5.7).

It is considered that a financial contribution towards library services is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this. To accord with policy and the SPD the proposed scheme would require a contribution of £11112 plus a monitoring fee of 5%.

#### Contributions to Health facilities:

The proposal would provide an additional residential unit which would generate an increased demand for health facilities in the area. The calculation of additional demand / method of calculating the required contribution (SPD para's 6.1-6.4), existing facilities and capacity (SPD para's 5.7-5.18), and use of the contributions (SPD para's 8.1-8.4) are set out in the Council's SPD "Contributions to Health" adopted in July 2009.

It is considered that a financial contribution towards future health care facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this. To accord with policy and the SPD the proposed scheme would require a contribution of £8824 and a monitoring fee of 5%.

Were this application considered otherwise acceptable, the education, library services, health facilities and monitoring fee of 5% contributions would be secured by unilateral undertaking.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

The comments raised are addressed in the appraisal above. The existing building is sufficient distance from neighbouring buildings such that the proposal would not result in a significant loss of daylight to neighbouring buildings. Sufficient parking would remain on site in accordance with the Council's parking standards.

### **4. EQUALITIES 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.

### **5. CONCLUSION**

The proposed development is not considered to have an adverse impact on the amenities of the occupants of any neighbouring property. However, the proposal would adversely affect the character and appearance of the building and the wider locality, and would not provide contributions toward essential facilities, and is therefore recommended for refusal.



**SITE LOCATION PLAN:** Feline Court, 23 Cat Hill, Barnet, Herts, EN4 8HF

**REFERENCE:** B/04062/12



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