

**LOCATION:** Central House, 24A St Wilfrids Road, Barnet, Herts, EN4 9SA

**REFERENCE:** B/03858/12      **Received:** 11 October 2012  
**Accepted:** 01 November 2012

**WARD(S):** East Barnet      **Expiry:** 27 December 2012

**Final  
Revisions:**

**APPLICANT:** Liveripe Ltd

**PROPOSAL:** Demolition of existing building and construction of a two storey plus rooms in the roofspace and at lower ground floor level building comprising 8x self-contained flats and B1 office space.

**RECOMMENDATION: REFUSE**

1. The proposed building, by reason of its height, depth, massing and proximity to the site boundaries, would appear as a cramped form of development, out of keeping with the spacious nature and setting of surrounding buildings. Given the proposed density, it would represent an overdevelopment of the site. The proposal would be detrimental to the character and appearance of the site and the wider locality, and contrary to Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).
2. The proposed residential development, by reason of its bedrooms of substandard size, single aspect residential rooms at lower ground floor level and first floor level and poor quality outlook from lower ground floor residential rooms toward a vertical retaining structure, would not provide for a sufficient high quality level of amenity for future occupants. In addition, the lack of quality outdoor amenity space to units 3, 4, 7 and 8 would not provide adequate amenity space provision for future occupants. The proposal is therefore contrary to Policies CS NPPF 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 Sustainable Design and Construction SPD (adopted April 2013).
3. By reason of its width, depth, height, siting and proximity to the common boundaries with neighbouring residential properties, the proposed development would appear dominant, overbearing and visually intrusive when viewed from the rear amenity areas of Nos. 4 and 5 Crescent Rise, and would result in the perception of overlooking from the large number of windows in the elevations facing these neighbouring properties. The proposal would be detrimental to the amenities of the occupants of these neighbouring properties, and contrary to Policies CS NPPF 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), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

## INFORMATIVE(S):

1. The plans accompanying this application are: Drawing Nos. L10.743.001B, 002B, 010B, 011B, 012B, 013B, 014B, 015B, 016B, 020B, 021B, 022B, 023B.
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 sought formal pre-application advice which was provided. Amendments were also suggested during the processing of the application. Unfortunately amendments to incorporate the suggestions made were not sufficient. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

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 the appeal process itself:

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. This planning application was assessed as liable for a £23,975 payment under Mayoral CIL at this time.

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. This planning application was assessed as liable for a £79,920 payment under Barnet CIL at this time.

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](mailto:cil@barnet.gov.uk).

## **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."

NPPF retains presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

In para. 58 it is stated that planning decisions should, amongst other things, ensure that developments:

- add to the quality of the area;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- are visually attractive as a result of good architecture and appropriate landscaping.

Para. 60 indicates that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Para. 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

### 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.

The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan, to ensure housing in London is of a high quality.

### 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, DM08, DM14 and DM17.

### Supplementary Planning Documents and Guidance

The Council's Residential Design Guidance SPD was adopted in April 2013. This 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, development should not be overbearing or unduly obtrusive and care should be taken to ensure that it does 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 Sustainable Design and Construction SPD in April 2013, 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.

### Relevant Planning History:

<b>Site Address:</b>	Central House r/o 22-26 St Wilfreds Road NEW BARNET
<b>Application Number:</b>	N01068F
<b>Application Type:</b>	Full Application
<b>Decision:</b>	Refuse
<b>Appeal Decision:</b>	Allow

**Appeal Decision Date:** 23/02/1999

**Proposal:** Change of use of first floor from office to residential comprising 3 one-bedroom flats and 1 studio flat.

Consultations and Views Expressed:

Neighbours Consulted: 113      Replies: 14 letters of objection and 1 letter of support.

Neighbours Wishing To Speak: 1

The letter of support makes the following comments (summarised):

- Proposal will be a great improvement to the local area.
- It will blend nicely with the surrounding houses and provide useful housing accommodation.
- The existing warehouse is ugly and out of place, and needs to be demolished to make way for a fresh start.
- All car parking will be within the site, and this will be a blessing.

The 14 letters of objection received make the following comments (summarised):

- Proposal would be a gross overdevelopment.
- There is not enough parking on St Wilfrids Road, and the parking proposed as part of this application will not be sufficient.
- Shared parking and pedestrian access will lead to safety problems.
- Use of car parking area will disturb neighbours.
- Currently have 'light' issues with lights on all night, causing disturbance. Do not see that proposed business units and dwellings will enhance living experience for the better.
- Proposal will cause disruption to area.
- Existing building has a flat roof, but proposed would have a pitched roof which would result in it being more imposing and restricting light to neighbouring gardens and property.
- Proposal may result in a loss of privacy for neighbouring residents.
- New building will not fit in with 1920s housing.
- Tall proposed building is not in keeping with two storey neighbouring properties.
- There is insufficient space for emergency vehicles.
- Ground floor flats are too close to adjoining properties, and low wall/fence will provide no security, privacy or noise reduction.

Internal /Other Consultations:

**LBB Traffic and Development Section:** The proposal is for the demolition of an existing building and the construction of a development comprising 8 residential units and 120 square metres of office space. Vehicular access will be via the existing access road.

A total of six parking space are proposed for the residential element of the development. A development of this size would require between 6 and 11 off street parking spaces to meet the parking standards in the Local Plan. It is considered that the residential development at this location would require 8 or 9 spaces, as the site is not within a controlled parking zone and has a PTAL of 3. Any additional vehicles associated with the development which cannot be accommodated within the site would park on street, increasing the parking demand in the vicinity of the site.

Site visits at times of peak residential on-street parking demand indicate that although the roads in the vicinity of the site are heavily parked, there is a limited

number of available on-street parking spaces within walking distance from the site to accommodate the demand from the parking shortfall on site. Therefore it is considered that the proposal with six parking spaces is acceptable on highway grounds.

For the proposed commercial element of the proposal, an office use development of this size at this location without off-street parking provision is acceptable on highway grounds.

The proposal includes a refuse collection point within 10 metres from the public highway which is acceptable on highways grounds.

The proposal is therefore considered to be acceptable on highways grounds, subject to conditions.

**LBB Property Services:** The property has been marketed since December 2010 and people inspecting the property generally found the style obsolete for today's requirements. The eaves height is too low, internal areas are too small and the office ratio is too high. There has been little interest through the Estate Agents Clearing House portal. Other disadvantages are that the property is located in a side residential street and surrounded by residential properties. The property is advertised at a rent of £40000pa, in line with the Valuation Office rateable value and not too high to discourage interest. Taking the above into consideration, it is considered that the site was adequately exposed to the market and it is agreed that the disadvantages of the site make re-letting difficult.

Councillor Rams has requested that this application be referred to the Planning Committee. He has requested that the Committee look at the fact that this site has been empty for a long time, has been advertised for commercial use and no-one has come forward, and it would provide housing in an area where it is much needed, without detriment to the amenities of local residents or future amenity of perspective future occupiers.

Date of Site Notice: 15 November 2012

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site relates to a plot of land located off St Wilfrids Road via a private drive between Nos. 24 and 26. The land is occupied by a two storey flat roofed warehouse building which has historically operated as B2/B8 with some ancillary office space (B1) at first floor. The existing building is wholly commercial in character and appearance. The site is surrounded on all sides by residential development (dwellings and gardens).

### Proposal:

This application relates to the demolition of the existing warehouse building on this site, and the construction of a replacement building containing eight residential flats, and two office units at basement level.

The proposed building would measure a maximum of 19.4 metres in width, with each wing measuring 7.8 metres in depth. It would have a height from ground level of 9.6 metres. The ground level would be lowered slightly from the existing. When including the lower ground floor level, the building would have a height of 12.5 metres.

It would be L-shaped, extending across the south-western and south-eastern boundaries of the site. When viewed from the neighbouring properties facing Crescent Rise, the building would have an eaves height of 6.6 metres and a ridge height of 9.6 metres. The proposed building would be approximately 3 metres from the common boundary with No. 5 Crescent Rise to the south west, and 4 metres from the common boundary with No. 4 Crescent Rise to the south east.

The residential element would contain a mix of unit sizes, with 2x three-bedroom units, 2x one-bedroom units, and 4x two bedroom units. The ground floor units (flats 1, 2, 5 and 6) would have private outdoor amenity areas to the front (at lower ground floor level) and rear. The remaining flats would have access to a communal amenity space.

Two office spaces would be provided within the lower ground floor.

Five parking spaces would be provided along the entrance drive, with the sixth provided within the site itself. Turning space would be provided in front of the sixth parking space.

Storage for refuse and recycling facilities would be provided to the front of the entrance drive, in close proximity to St Wilfrids Road.

#### Planning Considerations:

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

- Whether the principle of the loss of the existing employment generating site is acceptable;
- Whether harm would be caused to the character and appearance of the site, the street scene and the wider locality;
- Whether the proposal would provide living conditions of sufficient quality for future occupants;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposal would comply with Local Plan parking requirements.

#### **Principle of the loss of employment generating use**

As noted above, the application site contains a warehouse building (Use Class B2/B8). In accordance with Policy DM14, the loss of B-Class use will only be permitted where it can be demonstrated to the Council's satisfaction that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term, and a suitable period of effective marketing has been undertaken. Where this can be demonstrated the priority for re-use will be a mixture of small business units with residential use.

The applicant has submitted details of marketing activities undertaken relating to the site since December 2010. Despite the activities undertaken, only two offers of interest had been expressed, and neither of these resulted in a sale. Having regard to this information, and the comments made by the Council's Property Services department, it is considered that effective marketing has been undertaken demonstrating that the site is no longer suitable and viable for its existing business use.

The current proposal proposes the construction of a mixed use development comprising both residential and small business use (Use Class B1 - Offices). This

proposed re-use is in line with the requirements of Policy DM14. As a result, no objections are raised to the loss of the existing building, and the principle of the proposed use for both small business and residential is considered acceptable.

### **Impact of the proposal on the character and appearance of the site, the street scene and the wider locality**

The proposed building would contain three floors of residential accommodation, with a fourth floor within the roof accommodation. It would replace an existing part two storey, part single storey building with a structure with a lower ground floor and accommodation within a tall pitched roof. The proposed building would be set close to the boundaries of the site, with very little space between the flank walls and the boundaries considering the height and massing of the building

Given that the proposed building would be of a greater height and overall massing than the existing building on the site, and given its proximity to the site boundaries, it is considered that the proposal would appear cramped within its plot, and as a result would be detrimental to the character and appearance of the area and the wider locality.

The application site has a PTAL rating of 2, which in accordance with the London Plan's density matrix should have 150-250 habitable rooms per hectare, and 50-95 units per hectare. The proposal would represent a density of 88 units per hectare, but 266 habitable rooms per hectare. This emphasises the excessive density of the proposed unit relative to the plot and the surrounding character, with the proposal representing an overdevelopment of the site.

The proposal would contain a mix of unit sizes, including three bedroom units which are identified as a priority. The proposal is therefore considered to accord with Policy DM08 in this respect.

### **Quality of living conditions for future occupants**

Unit Size: The proposed units accord with the minimum unit size requirements as set out in the Sustainable Design and Construction SPD.

Room Size: The Mayor's Housing SPD and the Council's Sustainable Design and Construction SPDs set out internal layout and design requirements for new dwellings, to deliver the Mayor's aspiration that homes are fit for purpose and provide a good quality living environment. Included advice sets out minimum floor areas and widths for bedrooms. A number of the rooms within the proposed units do not meet these minimum standards, and the proposal would not provide an adequate level of amenity for future occupants.

Stacking: Flat 1 and 5 have bedrooms which are below living areas to Flats 2 and 6. Such an internal arrangement would not be satisfactory, as it would result in the potential for noise and disturbance between the units, to the detriment of the amenities of future occupants. The vertical stacking of all other units is considered acceptable.

Outlook and windows: The lower ground floor residential units would only have windows facing toward the lower ground level terraces. These terraces would have a depth of 2.1 metres, before stepping up 1.5 metres. A 1.9 metre deep planting bed would then be provided, with a further 1.5 metre high vertical wall behind this. As such, the lower ground floor bedrooms would have a poor quality outlook toward a retaining structure some 3 metres high. This would result in a poor level of outlook



and amenity for future occupants. It is noted that at ground floor level the units would be dual aspect, with light received from both sides of the building and some outlook to both sides. Whilst the outlook at ground floor level would broadly be toward the shared amenity and parking areas to the front of the proposed buildings, this is considered satisfactory.

The units at first floor level (which have their bedrooms within the roofspace) would receive some light from south-east and south-west facing windows. However, due to the relationship between these windows and the neighbouring gardens, all windows at first floor level in the proposed building are proposed to be obscurely glazed, to ensure there is no overlooking toward neighbouring properties. As a result of this, the upper floor units would have single aspect rooms, with an outlook toward the forecourt area of the site only.

Outdoor private amenity space:

Units 1, 2, 5 and 6 all benefit from a rear outdoor amenity space. This is proposed to be enclosed by a 1.8 metre high boundary treatment and is considered to be a satisfactory amenity space arrangement for those properties.

A shared amenity area is proposed to the north of block 1, and the applicant states this is to be used by occupants of Units 3, 4, 7 and 8, although it should also be noted that occupants of unit 1 would have direct access to this shared amenity space also. The submitted plans show the proposed shared amenity space to have an area of 61 square metres. Units 3, 4, 7 and 8 each have four habitable rooms (measured in accordance with the definition of habitable rooms as set out in the Council's adopted SPDs) and therefore require 20 square metres of amenity space each. Units 4 and 8 have balconies of 3.5 square metres in area each. However, outdoor amenity space is still required to be provided for these units to comply with the SPD. A total of 80 square metres should be provided for the proposed units, but taking into account 7 square metres of balconies and 61 square metres of shared amenity space, the scheme would still have a shortfall of 12 square metres of amenity space. Given the shape and layout of the proposed shared amenity space, with part of it being only 2 metres wide and enclosed on three sides, it is not considered that this scheme provides an adequate level or quality of amenity space for future occupants of the proposed residential properties.

**Impact of the proposal on the amenities of the occupants of neighbouring residential properties**

The proposed building would be two storeys in height, with an eaves height of 6.6 metres and a ridge height of 9.6 metres. It would be approximately 3 metres from No. 5 Crescent Rise and 4 metres from No. 4 Crescent Rise. The flank elevations of the proposed building adjacent to these neighbouring properties have a depth of approximately 15 metres. The proposed building, with 15 metre deep two storey flank walls projecting alongside the entire depth of the rear gardens of Nos. 4 and 5 Crescent Rise and in close proximity to the neighbouring gardens, would appear dominant, overbearing and visually intrusive when viewed from the rear private garden areas of both neighbouring properties.

The flank elevations adjacent to Nos. 4 and 5 Crescent Rise would also contain a considerable amount of fenestration. Whilst this would be obscurely glazed and fixed shut to ensure there is no direct overlooking from the proposed units to the neighbouring properties, the windows would result in a perception of overlooking, with light and movement from the windows being clearly apparent when viewed from the neighbouring properties. As such, the proposal would be detrimental to the amenities of the occupants of Nos. 4 and 5 Crescent Rise.

The proposed building would be visible when viewed from Nos. 22 and 24 St Wilfrids Road, and Nos. 154 and 156 Crescent Road. However, given the distance between these neighbouring properties and the proposed building, and the existing outlook from the neighbouring properties, it is not considered that the proposal would be detrimental to the amenities of the occupants of these neighbouring properties.

### **Parking**

The scheme proposes the provision of 8 flats and two offices. Policy DM17 requires 1 to less than 1 space to be provided per 1 bedroom flat, and 1.5 to 1 space for 2 to 3 bedroom flats, with this development requiring 8 or 9 spaces. Six on-site parking spaces are proposed for occupants of the residential units. The Highways Engineer has advised that from site visits, there is on-street parking available within walking distance from the site to accommodate the demand from the shortfall of on-site parking. As a result, no objections are raised with regard to parking provision. Space is proposed within the site for the turning of vehicles, and as vehicles could exit the site in a forward gear, no objections are raised with regard to highway safety.

### **Other Matters**

If approved and implemented, this scheme would be liable for both Barnet's and the Mayor's Community Infrastructure Levy.

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

The comments raised by objectors have been addressed in the appraisal above.

### **4. EQUALITIES AND DIVERSITY ISSUES**

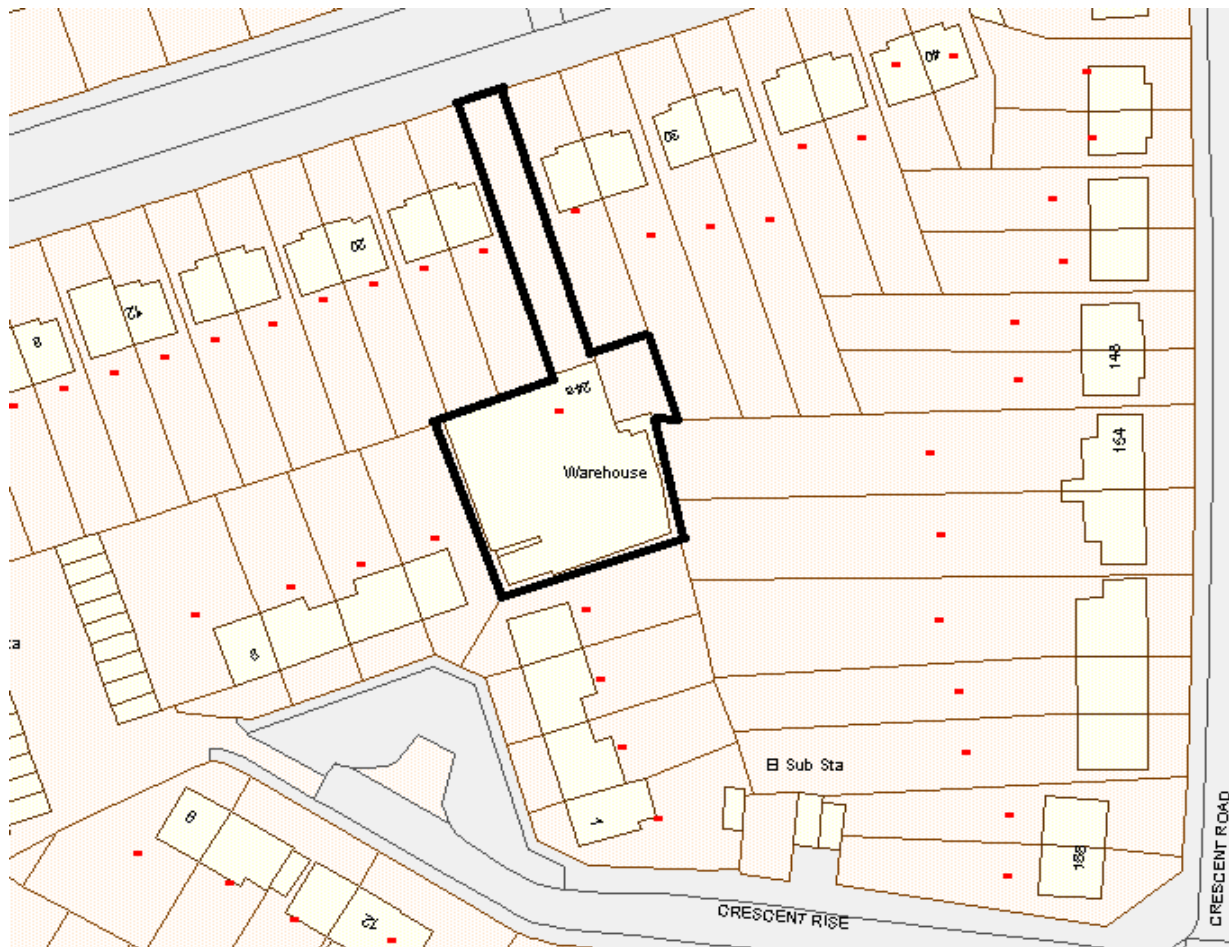
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **5. CONCLUSION**

This proposal is not considered to comply with the relevant local or national planning policies. It would adversely affect the character and appearance of the plot and the locality, would not provide satisfactory or adequate living conditions for future occupants and would be detrimental to the amenities of neighbouring occupants. The application is therefore recommended for refusal.

**SITE LOCATION PLAN:** Central House, 24A St Wilfrids Road, Barnet, Herts, EN4 9SA

**REFERENCE:** B/03858/12



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2013. All rights reserved. Ordnance Survey Licence number LA100017674.