

**Location**                    **1323 High Road London N20 9HR**

**Reference:**                **18/0709/FUL**                    Received: 1st February 2018  
Accepted: 1st February 2018

Ward:                        Totteridge                            Expiry 29th March 2018

Applicant:                 Mr M Shah

Proposal:                    Partial demolition of existing building, Front and rear extensions to ground and first floor and part two storey roof extension to provide 4no. self-contained flats at 1st, 2nd and 3rd floor levels and a Class A1/A2 unit at ground floor level. Associated refuse storage and cycle store and amenity space. (Amended Description)

**Recommendation: Refuse**

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1     The proposed roof extensions by reason of their size, siting, scale, appearance, design and relationship to adjacent neighbouring buildings would relate unsympathetically to the adjacent buildings, resulting in an unduly obtrusive and unsympathetic form of development which would adversely impact upon the character and appearance of the street scene and the wider area as such the proposal would be contrary to policies National Planning Policy Framework, Policy 7.4 of the London Plan (2016), DM01 (Protecting Barnet's character and amenity) of the Development Management Policies Development Plan Document (September 2012), policy CS5 (Protecting and enhancing Barnet's character to create high quality spaces) of the Local Plan Core Strategy (September 2012), and contrary to the Local Plan Supplementary Planning Document Residential Design Guidance (April 2016).

**Informative(s):**

- 1 The plans accompanying this application are: 01/A/EX Rev A (Existing Floor Plans), 02/A/PP Rev H (Proposed Floor Plans), 04/A/EE Rev A (Existing Elevations), 05/A/PE Rev F (Proposed Elevations), Energy and Sustainability Statement prepared by Build Energy dated August 2017, Highways and Parking Statement prepared by Mode Transport Planning dated October 2017, Parking Survey, Design and Access Statement prepared by The Town Planning Experts dated February 2017.
- 2 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority 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 sought formal pre-application advice which was provided. Unfortunately the submitted scheme is not considered to accord with the Development Plan. 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 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. This planning application was assessed as liable for 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 payment under Barnet CIL at this time.

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](mailto: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](http://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](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](http://legislation.gov.uk).

Please visit [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil) for further details on exemption and relief.

## Officer's Assessment

### 1. Site Description

The site is located on the western side of the High Road within the Totteridge ward. The building is two storeys in height and previously occupied by a bank, the building is currently vacant.

The building is not within a Conservation Area nor is it listed, and the area is not within an area covered by an Article 4 direction. The building lies within the Primary Retail Frontage of the Whetstone Town Centre, as defined by the Council's Local Plan and also within an area of archaeological significance.

To the south of the site lies Waitrose supermarket on the ground floor with flatted accommodation in the floors above. To the north of the site lies a two storey building which accommodates a florist at ground floor.

There is an access road to the rear which partly serves the Waitrose public car park and partly serves the private flats above Waitrose and other commercial units on the High Road.

### 2. Relevant Planning History

**Reference:** 18/0737/PNR

Address: 1323 High Road London N20 9HR

**Decision:** Prior Approval Required and Approved

Decision Date: 16.03.2018

Description: Change of use from Class A2 (Bank) to Class C3 (1unit).

**Reference:** 17/5505/FUL

Address: 1323 High Road London N20 9HR

**Decision:** Refuse (Committee overturn)

Decision Date: 24.01.2018

Description: Demolition of existing bank vault and outbuilding at rear. Erection of single storey front extension, part two, part three and part four storey rear extension and two storey roof extension to provide 4no. self-contained flats at 1st, 2nd and 3rd floor levels and a Class A1/A2 unit at ground floor level. Associated refuse storage and cycle store and amenity space.

Reason(s)

1. The proposed roof extensions by reason of their size siting, scale, appearance, design and relationship to adjacent neighbouring buildings would relate unsympathetically resulting in an unduly obtrusive and unsympathetic form of development which would adversely impact upon the character and appearance of the street scene and the wider area as such the proposal would be contrary to policies National Planning Policy Framework, Policy 7.4 of the London Plan (2016), DM01 (Protecting Barnet's character and amenity) of the Development Management Policies Development Plan Document (September 2012), policy CS5 (Protecting and enhancing Barnet's character to create high quality spaces) of the Local Plan Core Strategy (September 2012), and contrary to the Local Plan Supplementary Planning Document Residential Design Guidance (April 2013).

2. The proposed roof extensions by reason of their size siting, scale, design and their excessive rearward projection would result in a harmful loss of outlook detrimental to the

visual and residential amenities of the occupiers of the upper floor flats at No. 1321 High Road particularly when viewed from their rear windows. The proposal would therefore be contrary to Barnet's Local Plan Development Management policies DM01 and DM02 and Supplementary Residential Design Guidance 2012.

**Reference:** 15/01421/FUL

Address: 1323 High Road London N20 9HR

**Decision:** Approved subject to conditions

Decision Date: 30.04.2015

Description: Installation of new external ATM to replace existing external ATM

**Reference:** 15/01422/ADV

Address: 1323 High Road London N20 9HR

**Decision:** Approved subject to conditions

Decision Date: 30.03.2015

Description: Installation of 1no. non-illuminated ATM sign

**Reference:** N00057J/07

Address: 1323 High Road London N20 9HR

**Decision:** Approved subject to conditions

Decision Date: 08.02.2008

Description: Change of use from a bank (Class A2) to a restaurant (Class A3) (120sqm). Installation of extract system to rear.

### 3. Proposal

This application seeks consent for the partial demolition of existing building, existing bank vault and outbuilding at rear. Front and rear extensions to ground and first floor and part two storey roof extension to provide 4 No. Self-contained flats at 1st 2nd and 3rd floor levels and a Class A1/A2 Unit at ground floor level. Associated refuse storage and cycle store and amenity space.

The proposed dwellings would be:

- 2 x 1 bed 2 person flats
- 2 x 2 bed 4 person duplexes

The previous application was overturned at committee and the current proposal is in response to the objections raised by Members. The main differences between the previous application (17/5505/FUL) and this application is the building will be brought forward to align at all levels with the adjoining Waitrose front building line and the realignment at the rear to reduce the extent the building projects beyond the rear building line of the Waitrose building. Also the repositioning of the second floor terrace from the front to the rear.

The commercial floorspace on the ground floor would be approx. 148 sqm.

It should be noted that prior approval has been granted for the change of use of the existing ground floor from Class A2 (Bank) to Class C3 (1unit) (18/0737/PNR).

### 4. Public Consultation

157 consultation letters were sent to neighbouring properties.

8 responses have been received; comprising of 8 letters of objections and 1 letter of support.

Objections can be summarised as follows:

- Over development
- Existing forecourt presents a pleasant ambience
- No public right of way to the rear of the site
- Proposal would exacerbate parking congestion arising from Waitrose staff parking, deliveries and refuse collection
- Parking pressure on neighbouring roads
- Refuse storage, recycling, cycle storage will be on land belonging to Waitrose.
- Waitrose may not allow additional access over and across their land
- Loss of light to the 8 flats above Waitrose.
- Impact of construction works
- Loss of view
- Overlooking of properties to the rear
- Noise pollution arising from construction activity.
- Existing issues with refuse collection due to congestion on shared private road
- Impact on ability to gain access to existing parking spaces
- Impact of loss of light / daylight on flower business
- Impact of construction works on Waitrose, flower shop and flats above.
- Loss of local business and jobs
- Obstruction of shop window display
- No right of way for refuse vehicles and construction traffic.
- Waitrose request a Refuse and recycling collection Strategy to be submitted as part of the application rather than as a condition
- Waitrose request a Construction Management Plan to be submitted as part of the application rather than as a condition.

Summary of support

- Building is an eyesore
- There is shortage of housing
- Building is not overbearing
- No harm to the neighbouring properties
- Development is well thought out

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

## The Mayor's London Plan 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.

## The Mayor's Draft London Plan 2018

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, CS6, CS9, CS10, CS15, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM11, DM12, DM17

## Supplementary Planning Documents

Residential Design Guidance SPD (adopted 2016)  
Sustainable Design and Construction SPD (adopted 2016)

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of development
- 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.
- The living conditions for future residents
- Impact on Highways

### **5.3 Assessment of proposals**

#### Principle of building and impact on character of the area

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, particularly in town centre locations. However, they normally involve an intensification of use, creating more activity and which can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, which can have an unacceptable impact on the established character of an area.

The existing building was last in use as A2. The building is currently vacant. Paragraph 12.4.1 of the Development Management Plan Policies (2012) states that "in Barnet's town centres, some of the opportunities to provide a wider mix of uses come from the existing employment spaces. Through regeneration or re-use they can continue to provide employment space whilst also providing new residential and community or leisure floorspace, with retail where appropriate.

The scheme proposes an option of an A1 or an A2 use on the ground floor. The proposal will provide flexibility to attract a use that will contribute to the vitality and viability of the town centre. The proposed development provides a reasonable size (146sqm) of A1/A2 accommodation.

Policy DM11 stipulates that "residential accommodation in town centres can help contribute to the vitality and viability by increasing trade for business...and can also offer [future] occupiers ready access to town centre-based services". The site is within a highly sustainable location and the principle of residential accommodation is deemed acceptable.

Potential impacts upon the character and appearance of the existing building, the street scene and the wider locality

The proposal has been revised in response to Member's objections.

The existing front façade would be demolished and the ground and first floor would be extended to the front projecting beyond the existing front building line by approx. 5m. In addition, the roof of the building would be extended to accommodate two additional storeys. The proposed second floor would align with the proposed front extension of the ground and first floor and the proposed third floor would be recessed from the proposed front building line by approx. 2.2m.

The proposed building at its south boundary would align with Waitrose front building line at the ground, first and second floors. However the proposed development at the north boundary would project beyond the front building line of no. 1325 High Road (The Florist Shop) by approx. 5.8m at the first and second floor and approx. 3m at the third floor.

The width of the proposed development is approx. 6.65m. The accommodation will be arranged over 4 floors; the depth at ground floor level is approx. 32m, at first floor level it would be 26m, second floor would be reduced from 22.5m and would measure approx. 19m, and the third floor would reduce from approx. 18m to approx. 17m. The proposed height of the development would be approx. 11.25m and it would have a flat roof. It would be marginally higher than the Waitrose building by approx. 0.5m and 4.8m higher than 1325 High Road.

The existing building is in a group of three buildings that are recessed from the front building lines of the Waitrose building and Walsingham House creating a forecourt wedged between Waitrose and Walsingham house. The forecourt adds character by introducing a visual and pleasant break in the streetscene. Although the proposed development has been revised to respond to Members concerns by bringing forward the front building lines at first and second floor levels, the bulk and massing of the proposed first and second storey of the building, particularly when viewed from the northern approach and due to the modest scale and siting of no.1325 High Road would appear overly prominent and would overwhelm the lower buildings towards the north of the site. In view of the above, officers consider that the proposed roof extensions because of their size, siting, scale, appearance, design and relationship to adjacent neighbouring buildings would relate



unsympathetically resulting in an unduly obtrusive and unsympathetic form of development which would adversely impact upon the character and appearance of the street scene and the wider area.

At the rear the building line would not protrude beyond the rear building line of Walsingham House, it would be further set in as a result of the alignment of the proposed front building line with that of the Waitrose building.

#### Potential impacts upon the amenities of neighbouring residents.

Any development, particularly on a constrained site should ensure that the amenities of neighbouring occupiers are respected.

It is considered that the proposed development would not affect the amenities of neighbouring residents as the revised scheme has been scaled back by approx. 5.7m in response to Members concern that the extent of the proposal at the rear would have an impact on the occupiers of the flats above the Waitrose building.

It is not considered that the extensions and creation of additional floors would result in overlooking, loss of privacy to any neighbouring occupier nor result in noise and disturbance over and above what currently exists on site. In addition, the Council's Residential Design Guidance states that privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed). In new residential development there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Neighbouring residential properties to the west would be over 21 metres away from the extensions and the rear gardens of these properties would be over 10.5 metres away, it is not considered that the proposal would result in undue overlooking or loss of privacy.

Whilst there are windows proposed to the flank elevation on the new building; these would be conditioned to be obscured glazed. Furthermore, the windows of the existing residential units abutting the site (above Waitrose) appear to serve a staircase and therefore it is not considered that the development would be detrimental to the amenities of neighbouring occupiers.

The proposed development includes terraces at the rear, the proposed terraces would have balustrades measuring approx. 0.7m in height. The terraces will not lead to undue overlooking of the properties to the rear of the development, due to their distance from the boundary.

#### Living conditions for future residents

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 2015. The SPD standards require double bedrooms to provide a minimum floor area of 12sqm and single bedrooms a minimum floor area of 8sqm. The Sustainable Design and Construction SPD also confirms that habitable floorspace in rooms with sloping ceilings is defined as that with 1.5 m or more of ceiling height.

The proposed flats would all comply with the minimum space standards as stipulated in the London Plan (Minor Alterations 2016) and supporting Council SPDs.

#### Summary of residential units:

First Floor /Flat 1 - 1 bedroom / 2 person unit - 50sqm

First Floor/Flat 2 - 1 bedroom / 2 person unit - 52sqm

Second /Third Floor / Duplex 3 - 1 bedroom / 2 person unit - 98 sqm

Second /Third Floor / Duplex 4 - 2 bedroom / 4 person unit - 92sqm

In general, the proposed units would be in accordance with the minimum standards for new residential development as set out by the London Plan (2016) and the Council's Sustainable Design and Construction SPD.

With regards to outdoor amenity space, all new residential development is expected to provide suitable and useable outdoor amenity space for future occupiers. For flats, options include provision of communal gardens around buildings or on roofs or as balconies. The proposal would involve the provision of 35.5sqm of outdoor communal amenity space on the ground level. In addition three units would have private terraces. The previous scheme included a balcony to the front of the building which provided private amenity space for Flat 1, however in the current scheme, the first floor front balcony has been removed and a balcony is now proposed to the rear of the property. The proposed rear balcony would provide private amenity space (18 sqm) for Flat 2. Flat 3 (duplex) would have a balcony to the front of the building providing private amenity space of approx. 11.8sqm; Flat 4 (duplex) would also have private amenity space of approx. 40sqm. In the current proposal Flat 1 would not benefit from a private amenity however given the provision of communal space this is considered to be acceptable.

### Highways

Officers have consulted with the Council's Highways officers, who have considered the Highways and Parking Statement submitted with the application. Highways noted the following:-

- The PTAL for the site is 4 which is considered as moderate accessibility.
- The proposal is for 2 x 1 bed and 2 x 2 beds. There is no car parking provision on the site.
- To comply with the London Plan 8 cycle spaces should be provided. The applicant is proposing 7 cycle spaces which is acceptable on highway grounds.
- Refuse storage has been identified on drawing 02/A/PP Rev E. This is more than 10m from the public highway and therefore further details will be required.

Highways officers considered the scheme acceptable subject to conditions requiring the cycle parking areas to be provided as indicated on the plans; a Demolition and Construction Management and Logistics Plan and details of refuse collection arrangements to be submitted to and approved in writing by the Local Planning Authority prior to commencement.

### Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition is attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 6% CO<sub>2</sub> reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy.

In terms of water consumption, a condition is attached to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to

ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations). The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

### 5.4 Response to Public Consultation

Most comments have been addressed in the assessment above.

However concern was raised about the right of way across Waitrose Land. The applicant submitted documents and photographs with the previous application (17/5505/FUL) to show that there is an existing access to the rear of the building including an established right of way.

### 6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and support 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 of the area. This application is therefore recommended for REFUSAL.



LOCATION PLAN 1:1250@A1