

Location **Oak Lodge 54 The Bishops Avenue London N2 0BE**

Reference: **17/6561/FUL**

Received: 16th October 2017

Accepted: 17th October 2017

Ward: Garden Suburb

Expiry 16th January 2018

Applicant: Mr Jon O'Brien

Proposal: Demolition of existing dwellinghouse and erection of a three storey, plus lower ground floor and two basement levels, detached building comprising of 18no. self-contained residential units. Associated amenity space, hard and soft landscaping, refuse storage and cycle store. Provision of basement level car parking

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 development will involve the loss of a Locally Listed building located within the Hampstead Garden Suburb Conservation Area. It is not considered that the case submitted for the demolition of the building is acceptable and that the building could be successfully repair and retained. The demolition of the Locally Listed building would result in the loss of a non-designated heritage asset and would have a harmful impact on the character and appearance of the conservation area, which would not be outweighed by the public benefits of the proposed development as in accordance with under paragraph 138 and 133 of the NPPF. As such the proposed development is contrary to policy 7.8 of the London Plan 2016, Policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012) and Policies DM01 and DM06 of the Adopted Development Management Policies DPD (2012).

- 2 The proposed development, by reason of its size, siting, massing, bulk and design would constitute overdevelopment of the site and cumulatively through its external appearance and plot coverage would introduce an incongruous form of development to the area, having a harmful impact on the character and appearance of the site and street scene and would not preserve or enhance the character and appearance of this part of the Hampstead Garden Suburb Conservation Area. In the opinion of the Local Planning Authority, the harm caused is considered to be significant and as in accordance with paragraph 133 of the NPPF, the harm caused outweighs the public benefits. As such the proposed development is contrary to policies 7.4, 7.6 and 7.8 of the London Plan 2016, Policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), Policies DM01 and DM06 of the Adopted Development Management Policies DPD (2012).

- 3 The development does not include a formal undertaking to secure a contribution to affordable housing, contrary to Policies CS4 of the Local Plan Core Strategy (adopted September 2012), and Policy DM10 of the Local Plan Development Management Policies DPD (adopted September 2012) and Affordable Housing Supplementary Planning Document (adopted February 2008).

Informative(s):

- 1 The plans accompanying this application are:

Site Location Plan 1:1250

TS17-2225 (Existing Topographical Survey)

TS17-2225 (Existing Elevations)

TS17-2225 (Existing Sections)

Existing Tree Constraints Map

002 (Proposed Site Plan)

003 B (Proposed Spa Level Plan)

004 K (Proposed Basement Plan)

005 K (Proposed Lower Ground Floor Plan)

006 I (Proposed Ground Floor Plan)

007 H (Proposed First Floor Plan)

008 H (Proposed Second Floor Plan)

009 F (Proposed Roof Plan)

010 D (Proposed Front and South Side Elevations)

011 D (Proposed Rear and North Side Elevations)

012 F (Site Levels)

013 E (Gross Internal Levels)

014 A (Long Section)

015 (Proposed Lower Ground Floor Plan with Site)

016 (Proposed Ground Floor Plan with Site)

Arboricultural Impact Assessment (dated 17.4.18)

Appendix 1 BS5837 Tree Constraints Survey Schedule (dated 15.8.17)

Appendix 2 Recommended Tree Works (dated 15.8.17)

Construction Management Plan (dated 16.10.17)

Construction Traffic Management Plan (dated 16.10.17)

Daylight and Sunlight Report (01.11.17)

Design and Access Statement (received 17.10.17)

Financial Viability Assessment (dated 29.11.17)

Flood Risk Assessment (dated 24.10.17)

Heritage Statement (Heritage Matters) (dated 16.10.17)

Supplementary Heritage Statement (dated 01.06.18)

Heritage Statement (Turley) (dated Oct 17)

Supplementary Heritage Note (dated May 18)

Independent Review of Financial Viability Appraisal (dated Jan.18)

Market Appraisal (Glentree International) (dated 17.10.17)

Additional Letter (Glentree International) (dated 7.12.17)

Phase 1 Preliminary Ecological Appraisal (dated Nov.17)

Planning Statement (dated 17.10.17)

Report on Condition of Structural Fabric (Fluid Structures) (dated 2.6.17)

Report on Structural Appraisal (Jampel Davison & Bell)
Screening and Scoping Hydrology Report (dated 23.10.17)
Site Waste Management Plan (dated 16.10.17)
Sustainability Statement (dated 20.10.17)
Transport Statement (dated 16.10.17)
Utilities Statement (19.10.17)
Ventilation and Extraction Statement (20.10.17)

- 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.

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 western side of The Bishops Avenue and lies within the Hampstead Garden Suburb Conservation Area. The total area of the site is approximately 0.89 hectares.

The site comprises of a detached two storey dwelling house which is designated as a Locally Listed Building. It is constructed in red brick with a clay tile pitched roof. The property has been altered and extended over the years.

The Bishops Avenue Conservation Area Statement states that the site falls within Zone 4 of the Conservation Area. This zone is characterised as:

Zone 4 includes all the locally listed properties. In summary, this part of The Bishop's Avenue is characterised by relatively secluded properties which, although substantial, retain a domestic and human scale through the scale and design of their components and their relationship to gardens and trees.

The site is described within the Statement as follows: *Oak Lodge. 1927. Locally Listed. Restrained brick and tile vernacular.*

The site is extensively covered by a large number of moderate and high value trees which are located within the site and designated under a number of individual and group Tree Preservation Orders (TPO).

2. Site History

Reference: C02311G

Address: 54 The Bishops Avenue London N2

Decision: Approved subject to conditions

Decision Date: 10.01.1996

Description: Demolition of existing house and erection of detached house incorporating lower ground floor. New driveway and vehicular accesses at front.

Reference: C02311F

Address: Oak Lodge, 54 The Bishops Avenue London N2

Decision: Approved subject to conditions

Decision Date: 10.01.1996

Description: Demolition of house.

Reference: C02311E

Address: Oak Lodge, 54 The Bishops Avenue London N2

Decision: Withdrawn

Decision Date: 30.07.1996

Description: Demolition of house and erection of detached house incorporating extended lower ground level.

3. Proposal

The application seeks to demolish the existing building on site and construct a three-storey building with lower ground floor to provide 18no. self-contained units. Two further

basement levels are proposed to accommodate an underground car park and servicing level and a spa, pool and gym area.

The overall design and form of the building is to reflect a Georgian style with a series of projecting and receding bays, focussed on a central bay on the front and rear elevations and delineated by simple Doric columns.

The building would measure approximately 47.6m in width, 54m in depth and a maximum height of 14.5m.

The proposal will provide 18 units in total comprising of 16 x 3-bed and 2 x 4-bed units.

The underground car park will provide 44 spaces, comprising of 36 spaces contained within double garages, 6 visitor spaces and 2 disabled spaces. Vehicles will utilise the existing entrance off The Bishops Avenue and a ramp will lead down to the basement level.

The proposal consists of considerable new tree planting and landscaping to the front and rear of the site.

The proposal has been amended during the application, consisting of the following amendments:

- Reduction of car parking spaces from 60 to 44;
- Lower ground lightwells along southern elevation have been pulled back.

4. Public Consultation

This application has been referred to the Finchley and Golders Green Planning Committee by Councillor Rozenberg for the following reason:

The site (and much of the street) is in disuse, and the market for such grand properties has declined in recent years. There is a strong public benefit to bringing The Bishops Avenue into proper use again. The proposed housing block would be more in tune with local demand (as shown by similar projects nearby). I do not believe that the existing building needs to be saved, and the proposed design is of sufficient architectural standard that in my view it deserves to be carefully considered.

44 consultation letters were sent to neighbouring properties.

A site notice was erected on 26.10.2017

A press notice was published on 24.10.2017

13 responses have been received, comprising 1 letter of objection, 2 representations and 11 letters of support.

The objections received can be summarised as follows:

- Proposed building is alien to the character of the Bishops Avenue;
- Existing building should be repaired and restored as a house;
- Deterioration of the building should not be permitted as a reason for its demolition.

The representations received can be summarised as follows:

- No in principle objection but concerns raised in relation to site traffic during construction process;

- Parked construction vehicles will restrict access in and out of neighbouring sites causing safety issues.

The letters of support can be summarised as follows:

- Redevelopment of derelict property;
- Derelict properties are an eyesore and attract negative attention from the public and the media;
- Existing property is in very poor condition;
- Proposal would be well screened from the street;
- Proposal is of a good design;
- Demolition has been previously accepted;
- Critical that a sense of community is restored and promoted by regenerating one of these long term derelict properties;
- Provision of Community Infrastructure Levy and affordable housing contribution;
- Provision of new housing stock;
- Local employment;
- Additional council tax generated;
- Positive contribution for the streetscape and conservation area;
- News that some of the homeless of Barnet are rehoused as far away as Newcastle when schemes such as these offer the real opportunity to create affordable housing in the borough without raising council tax to do so.

Statutory Consultees

Arboricultural Officer - The site as a whole would greatly benefit from a smaller development that retains more trees and leaves larger areas of open spaces for the garden. This approach would better fit the character of The Bishops Avenue Conservation Area, historic land use and provide more space for amenity and wildlife.

Conservation Officer - Objection - comments contained within the main report.

Drainage - No objection

Historic England - Proposed scheme would not preserve or enhance the significance of the conservation area. The scheme would cause harm to the conservation area. This harm should be taken into consideration in making your decision, and weighed against any identified public benefits of the proposals.

Environmental Health - Further information required. No objection.

Metropolitan Police - No objection - appropriate security measures could be installed.

Thames Water - No objection.

Traffic and Development - No objection - comments contained within the main report.

Other consultees

Hampstead Garden Suburb Trust - The house strongly meets the criteria for local listing and is a significant contributor to the character of the conservation area. The proposal cannot be said to either preserve or enhance the character and appearance of the conservation area.

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 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, CS7, CS9, CS12, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM10, DM16, DM17

Supplementary Planning Documents

The Bishops Avenue Character Appraisal
Residential Design Guidance SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of the development, namely the demolition of the locally listed building, would be acceptable and the impact on the conservation area;
- Whether the proposal would have an acceptable impact on the character and appearance of the site, street scene and conservation area;
- Whether the proposal makes satisfactory provision for affordable housing;
- Whether the proposal would provide an acceptable level of amenity for neighbouring and future occupiers;
- Whether the proposal would have an acceptable impact on highway and pedestrian safety;
- Whether the proposal would have an acceptable impact on trees, ecology and landscaping;
- Whether the proposal would have an acceptable with regard flood risk, drainage and soils;
- Sustainability issues and utilities; and
- Impact on security in the area.

5.3 Assessment of proposals

Whether the principle of development, involving the demolition of the existing building would be acceptable and the impact on the conservation area

Oak lodge is a Locally Listed Building. It is described within The Bishops Avenue Character Appraisal Statement as '*Oak Lodge. 1927. Locally Listed. Restrained brick and tile vernacular*'. It is acknowledged that a number of unsympathetic changes have been made to the building, however, it is considered that the property itself retains the essential form of a large property set in specious grounds, and remains much as originally designed. There is little description on the building other than the above and there is no reference to the building's architect detailed within the listing or on Council records. However, the building has been locally listed due to its architectural and historic merit.

Policy DM06 of Barnet's Development Management Policies DPD states that there will be a presumption in favour of retaining all Locally Listed Buildings in Barnet and any buildings which make a positive contribution to the character and appearance of the borough's conservation areas.

The applicant has undertaken considerable assessment of the existing building, the conservation area and the resulting heritage impact of the proposed development. This has resulted in two heritage reports being supported which have been subsequently added to by recently submitted supplementary notes. The Conservation Area Appraisal and its identification as a positive contributor to the character and appearance of the conservation area is acknowledged, however, the consultant reports set out that its contribution is not as significant as the weight placed on it by the LPA.

On Oak Lodge, Turley have been unable to confirm the identity of the architect. The Turley Heritage report states that the building whilst of a picturesque form, is consistent with this architectural idiom, it lacks the secondary scale of detailing and finish that would enrich the composition; as a result the building is comparatively plain. The report considers that the

poor extensions and alterations have had a cumulative adverse effect on its quality and contribution to the conservation area. The effects of the lengthy decline in the buildings fabric are now so extensive that its local architectural and historic interest is significantly eroded. A further Heritage Statement by Heritage Matters comments that Oak Lodge would not fit the criteria of Barnet's guidelines for the selection of locally listed buildings. In terms of the design, the report states that the building is not considered to be a well-executed example of the architectural style. The loss of this building would not be significant in its own right.

The applicant has sought to justify the proposal to demolish the existing building by submitting structural reports which state that retention is unviable. Very recently, the applicant has submitted a demolition and rebuild cost plan which estimates a cost in the region of £11.2million to retain the building as a dwelling. However, due to the timescales of the submission of this report coinciding with the publication of the committee report, the LPA at this time has not had the ability to confirm whether these costs are accurate/realistic.

In contrast to these reports, the Council has received a representation from the Architectural Advisor of the Hampstead Garden Suburb Trust (HGST). In his professional opinion, it is clear that this is a house designed by John Carrick Stuart Soutar. He disputes the assessment of the submitted consultant heritage reports and counters that the "plainness" of the house and lack of "secondary scale of design" were intentional. In his opinion, the consultant heritage statement is flawed and does not account for this attribution. He states that there is no reason that this house could not be retained and adapted and expresses his opinion that the house strongly meets the criteria for local listing.

It has become evident through the course of the application, that there is a strong difference of professional opinion between the applicant's heritage consultants, HGST and the Council's Conservation Officer as to the architect of the building and the quality and contribution of the building's design. It is important to note, that these are professional opinions expressed within the submitted responses to the LPA and that the architect has not been an influence in the decision making or listing of Oak Lodge as a Locally Listed Building. In plain terms, irrespective of who designed the property, the building would still be locally listed.

The site is also located within Zone 4 of the Hampstead Garden Suburb Conservation Area - The Bishops Avenue Character Appraisal Statement. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 states that 'in exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The Council's Conservation Officer considers the site also makes a positive contribution to the significance of the conservation area. The Appraisal states *"the quality vernacular found most predominately in Zone 1 and Zone 4 is vitally important and displays the taste of a previous generation of wealthy owners. Although this character is more subdued and understated, it is nevertheless key to the area's special architectural and historic interest."* The Conservation Officer adds further that Zone 4 includes all the locally listed buildings running from Hampstead Lane to Kenstead Hall. This part of The Bishops Avenue is characterised by relatively secluded properties which, although substantial, retain a domestic and human scale. On the western side of the road, six original locally listed

houses remain, altered but the original properties on their plots, of which Oak Lodge would be the most undeveloped.

Paragraph 138 of the NPPF states that *"Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole."*

In terms of the site's contribution to the significance of the conservation area, it is considered that the Oak Lodge is one of the original properties that helped established The Bishops Avenue. The site's contribution to the significance of the conservation area is also commented on by Historic England. They comment *"The building is locally listed and, notwithstanding its current disused condition, makes a positive contribution to the conservation area."*

The Conservation Officer expresses a concern with the on-going loss of many of the original properties along the street and as such, the property's significance as a non-designated heritage asset is increased, defining its positive contribution to the significance of the conservation area. Therefore, great weight is afforded to its significance when weighed up against the public benefits of the proposal.

The consultant heritage reports state that the significance of the building towards the conservation is not so significant. In considering the contribution made, the Turley report considers it is necessary to account for the degraded condition of the existing building. The property has not been inhabited for over 20 years and is in an advanced stage of decay. Turley consider that this should be given significant weight and that the decline in the building fabric is now so significant, that it has reduced the contribution made by the existing building to the significance of the conservation area. The Heritage Matters report does not consider that the site meets Historic England's checklist for a building that makes a positive contribution to the conservation area. However, this statement from Heritage Matters can be disputed as Historic England have acknowledged in their opinion that the building does contribute positively to the conservation area.

Again, in contrast to the submitted Heritage Reports, HGST consider that the building is a significant contributor to the character of the conservation area.

Having considered all the elements, the LPA considers that the Locally Listed building is in its own right, of sufficient architectural and historic merit. Barnet policy DM06 states that there will be a presumption in favour of retaining all Locally Listed buildings. Despite the information submitted by the applicant, the LPA is not convinced that the applicant has fully considered or demonstrated that the building could not be suitably retained. In addition, it is considered the Locally Listed building has a positive contribution to the conservation area, in terms of its architectural and historic value. It is considered that its loss will result in harm to this area of the conservation area. As stated within NPPF, this harm will be weighed against the public benefits of the scheme. This will be considered throughout the report.

Comments have been raised from the applicant and in the letters of support, that the LPA approved the demolition of the building in 1995. However, that decision was made 23 years ago and national and local policy has moved on considerably since that time. The

retention and conservation of heritage assets are a cornerstone of national policy. Barnet's current policy DM06 states that there is a presumption in favour of retaining all locally listed buildings. Given the considerable period of time that has since past and the change in policy, this decision has no weight in the assessment of this application.

Impact on the character and appearance of the site, street scene and conservation area

Scale, Bulk, Massing

The proposed building would measure approximately 47.6m in width, 54m in depth and a maximum height of 14.5m. It would represent a vast and substantial increase of built form compared to the existing building. Whilst a separation distance of approximately 10m from the side elevations to the neighbouring boundary appears sufficient on its own merits, when you consider the proposed width and depth, the building is considered to be significantly oversized and out of scale for the application site.

Whilst an external appearance of three-storeys is not in itself objectionable and is demonstrated within the Design and Access Statement as being broadly similar to other buildings within the street, it is the overall bulk and massing of the proposed building which is considered to be significantly out of context of the street scene and harmful to the character and appearance of the conservation area.

The Character Appraisal highlights that the construction of 'Super houses' has had a detrimental impact on the character and special interest of the street. The ever-increasing size, scale and massing of many of these properties (even when dressed in Neo-Georgian details) are considered to be out of scale with the character of the area. The properties in Zone 4 are considered to retain a domestic and human scale through the scale and design of their components and their relationship to gardens and trees. The proposed building would be completely at odds with this character, occupying a large proportion of the site and resulting in the loss of open garden space which is a main essential characteristic of the properties in this zone. The amount of development including the three basement levels would be built out and penetrate a large amount of root protection areas of the trees along the site boundaries.

Design and external appearance

The overall design and form of the building is to reflect a Georgian style with a series of projecting and receding bays, focussed on a central bay on the front and rear elevations and delineated by simple Doric columns.

It is considered that the proposed design and external appearance is wholly inappropriate and bears no reflection or consideration to the vernacular and red brick material character commonly found in this street scene.

Historic England within their response summarise the proposal as "The application would replace a locally listed building which contributes positively to the conservation area, reflecting its scale and tone, with one which does not draw from its historic character. The new design is the type of the building that has been identified in the Conservation Area Appraisal as already undermining its character elsewhere along the road." The response continues "In the context of current national policy and local appraisals, we continue that the proposed scheme would cause harm to the conservation area that, though not substantial, appears to form part of a trend of development identified in the conservation area appraisal as having real cumulative impact."

The HGST in their representation also raise strong concerns over the design and scale of the building, "setting the wrong tone for new developments throughout the conservation area, and possibly the suburb." In their opinion the proposed new building "would be completely at odds with the original character of the road, far too large, inappropriate in its architectural language, aggressively attention seeking and pushed too far forward on plot." They disagree with the submitted heritage statement that the proposal will enhance the significance of the conservation area.

In terms of the overall scale and design, there are strong concerns raised by the LPA based on the above issues. However, these concerns are also raised by Historic England and the HGST.

Overall, it is considered that the proposed development would represent overdevelopment of the site by reason of its size, siting, design, massing and bulk and would have a significant harmful impact on the character and appearance of the site and this area of the conservation area. It is considered that the proposed size, siting, mass, bulk and design of the proposed replacement building would cause significant harm to the existing site, street scene and this part of the conservation area.

Principle of whether the provision of purpose built flats would be acceptable

Policy DM01 of the Development Management Policies DPD states that the loss of houses in roads characterised by houses will not normally be appropriate.

This part of The Bishops Avenue (Zone 4) is characterised by mansion style houses on very large plots. It is acknowledged that there are isolated flatted developments which have been granted permission by the LPA. However, it is not considered that these developments define the predominant character of the road.

The applicant has looked at this issue in depth within the submitted Planning Statement and Design and Access Statement. These documents assess the character of the whole street, however, The Bishops Avenue is subdivided into four zones, each with differing characteristics. For this site, it should be primarily considered in relation to Zone 4. The most notable site in this is Buxmead which comprises of 20no. flats. However, each application is assessed on their own merits and in the instance of Buxmead, there were special circumstances which warranted the approval of the application. There was a previous institutional use on the site where the frequency of people could be considered similar to the previous use and that the proposed locally listed building was retained and adapted.

The predominate character of this zone of the conservation area is mansion style houses and therefore it is acknowledged that the use of the site as flats could be considered to cause harm to the character of the area in land use terms. The use of the site as 18no flats would generate higher levels of general activity than a single house. The proposal would result in the proposed building being significantly closer to the neighbouring sites.

The applicant has submitted a number of material considerations to support the provision of flats such as the more efficient use of land, oversupply of large mansion style houses which are not selling and very few of the single dwellings being occupied.

In this specific case, it is considered that the character of this part of The Bishops Avenue is characterised by large mansion style dwellings and that the introduction of flats would

cause some harm. However, the material considerations raised in terms of benefits will need to be considered and weighed against the harm.

Affordable Housing

Given that the development is for 18 dwelling units, the proposal would require provision of affordable housing under policy DM10 of the Development Management Policies 2012. Policy DM10 states that 'Having regard to the borough-wide target that 40% of housing provision should be affordable, the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites providing 10 or more units gross or covering an area of 0.4 hectares or more.'

The applicant has provided a viability report by GL Hearn. This states that it would not be viable for the scheme to provide affordable housing on site.

The LPA has commissioned Gerald Eve to review this independently. Gerald Eve were satisfied on the most part that the applied assumptions within the submitted Financial Viability Appraisal (FVA) appeared reasonable and in accordance with the NPPF and RICS professional guidance. However, they were of the opinion that a number of assumptions required reasonable adjustment, such as the developers return, Gross Development Value and build costs. Gerald Eve were of the opinion that the scheme is both viable and deliverable and would appear to support a surplus which could be contributed towards affordable housing.

Following discussions between GL Hearn and Gerald Eve, the applicant provided further justification in terms of the risks associated with delivering the scheme. In addition, the applicant confirmed that they would be willing to offer a contribution of £1million towards affordable housing. Following a further assessment, Gerald Eve were of the opinion that the £1million offered by the applicant demonstrated a reasonable financial payment towards affordable housing.

Affordable housing is normally sought on site. However, consideration is given to the location of the site on The Bishops Avenue, the nature of the plots and the high land values. These are considered to constitute exceptional circumstances that would justify a contribution in lieu of affordable housing provision on site, in accordance with the Supplementary Planning Document on affordable housing.

It is considered that following the assessment of the FVA and the financial contribution offered, the proposal makes an acceptable provision for affordable housing.

Impact on the amenity of neighbouring residents

In terms of neighbouring properties, the closest residential properties are Kenstead Hall to the north and Barons Court to the south. The rear boundaries of properties along Winnington Road also back on to the western edge of the application site.

The northern elevation which faces onto Kenstead Hall would be set approximately 9.8m away from the shared boundary, with the separation between the closest building within the site being 20m. Between these sites, there is a considerable difference in levels, with the ground floor level of the application site being 4-5m higher than Kenstead Hall.

The southern elevation which faces onto Barons Court would be set approximately 9.7m away from the shared boundary, with the separation between the elevations being 14m. Barons Court sits approximately 2m higher than the application site.

The applicant has submitted a daylight/sunlight assessment which addresses the potential impact on these two residential properties. In relation to Kenstead Hall, the report states that the main house is located approximately 30m from the shared boundary. The report acknowledges that there is a later single storey addition located close to the boundary with side facing windows. A subsequent site visit was undertaken and confirmed that this building element is used for storage. As such no detailed daylight and sunlight assessment was undertaken. In relation to Barons Court, an assessment was undertaken which found that all windows and rooms will be fully compliant with BRE guidelines. It is accepted that the proposal would not cause harmful loss of light or outlook to neighbouring properties, nor would the building appear unduly overbearing when viewed from the adjacent residential properties.

In terms of overlooking, it is considered that the distance from neighbouring properties would not result in harmful overlooking of the adjacent properties.

The use of the site as 18no. flats would generate higher levels of general activity than one house, for example through comings and goings of the proposal's residents and the use of the private balconies, terraces and roof terraces. It is acknowledged that the existing landscaping and trees which is proposed to be significantly improved, would help mitigate the increase of general activity. On balance, it is considered that there would be a greater frequency of noise, but this would not unduly harm neighbouring residential amenity as a result of any noise and disturbance.

Provision of accommodation for future occupiers

In terms of the amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. The London Plan and the Barnet's Sustainable Design and Construction SPD sets out the minimum space requirements for residential units.

The proposal would provide 16 x 3-bed and 2 x 4-bed units. All of the proposed flats would easily exceed the minimum internal space standards.

Whilst there is living accommodation located within the lower ground floor, this mainly comprises of bedrooms, cinema/games room, bathrooms, TV/snug rooms and dressing rooms. The proposal includes the provision of large lightwells which would principally serve the bedrooms to allow for daylight/sunlight to enter these areas. These rooms are associated with duplex units where the main living accommodation is located on the ground floor. All the proposed units would have acceptable outlook. Overall, the level of accommodation is considered to be acceptable.

Barnet's Local Plan expects that sufficient and functional space should be provided for all new homes and flats wherever possible. Each flat would have the provision of a private balcony and the upper level flats having access to a roof garden. In addition to the private balconies/ terraces, all units would have access to the large communal garden to the rear of the site.

Overall, it is considered that the proposals would provide an acceptable level of amenity for future residents.

Highways safety and parking

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

Policy DM17 sets out parking standards as follows for the residential use:

For 3 bedroom units 1.0 to 1.5 spaces per unit

For 4 bedroom units 1.5 to 2.0 spaces per unit

The proposal would provide 16 x 3-bed and 2 x 4-bed units and would have the following parking requirements:

16 x 3bd	1.0 - 1.5	16.0 - 24.0
2 x 2bd	1.5 - 2.0	3.0 - 4.0

A parking provision of 19 to 28 parking spaces is required for the proposal to accord with the parking standards of policy DM17. Following an initial objection from the Council's Traffic and Development service in regards to the over provision of 60 car parking spaces, the applicant reduce the number of spaces to 44. This would comprise of 36 parking spaces within 18 double garages, 6 visitor parking spaces within parking bays and 2 disabled spaces within the parking bays. Following a further assessment by the Council's Highways Officer, consideration was given to the sites PTAL level of 1b (very poor accessibility), it's not located within a town centre and is not within a control parking zone (CPZ). The Highways Officer comments that although the proposed parking provision of 44 parking space is still higher than the parking provision required under DM17, on balance taking into the amendments, the proposal is considered to be acceptable on highway grounds.

The existing vehicular access to the site is to be retained. This would lead to a ramp down towards the basement parking area. A 1:12 gradient for the ramped access is proposed, which is in accordance with highway requirements.

It is proposed that refuse will be collected from the kerb side and the bins will be brought to the back of the public highway on the day of collection.

Overall, the proposal is considered to be compliant with policy DM17 in terms of access, parking and refuse. The Council's Traffic and Development service are satisfied with the proposal subject to a number of conditions being attached should planning permission be granted.

Trees, Ecology and Landscaping

Trees

The applicant has submitted an Arboricultural Impact Assessment. This details that 91 trees were surveyed, comprising of 11 x Category A, 21 x Category B, 68 x Category C and 2 x Category U trees. It is proposed that 19 trees are to be felled; 1 x Category B, 17 Category C and 1 Category U.

The Council's Arboricultural Officer has reviewed the assessment and associated plans. He comments that "the submitted tree constraints plans by Landmark Trees, identifies a large number of moderate and high value trees within the site. These trees are an intrinsic part of the character of The Bishops Avenue. Typical of The Bishops Avenue, this site has a large detached property located within a mature garden. Any new development must support and enhance these vitally important sylvan features. The majority of the trees on the site are mature native trees made up of oak, yew, sycamore, hornbeam, ash, beech and holly. A few ornamental trees are also present on site.

There are a number of group Tree Preservation Orders (TPO) on the site and three individual TPOs.

The proposal would result in the removal of T36 (applicant's plan) which is an Atlantic Cedar and is designated as TPO T88. However, the tree is valued as a Category C as it has been damaged by high winds. The loss of this tree is considered to be acceptable by the Council's Arboricultural Officer and can be suitably replaced.

Concerns were raised regarding the impact on the valuable trees around the edge of the property. Following discussions between the Council and the consultant Arboriculturist, amended plans were submitted to pull back the lower ground floor along the southern elevation. It is acknowledged that this represents an improvement on the previous submission, however the report still identifies that there will be a high impact on T33, a tree with special protection (TPO). The report recommends that special measures will be implemented to mitigate the impact of root removal, by soil treatments and crown reduction. The Council's Arboricultural Officer acknowledges this mitigation may in the short term have the desired effect but will eventually result in degradation to this tree.

From the submitted lower ground and ground floor plans within the Arboricultural Impact Assessment, it is evident that the proposal, by the extent of the development proposed would encroach and impact a large number of trees, of which a number fall within the TPO designations.

Overall, the Council's Arboricultural Officer considers that the site as a whole would greatly benefit from a smaller development that retains more trees and leaves larger areas of open spaces for the garden. This approach would be better fit the character of The Bishops Avenue Conservation Area, historic land use and provide more space for amenity and wildlife.

While the removal of some trees is considered to be acceptable and can be suitably replaced, it is acknowledged that the impact of existing trees throughout the site could have been further improved through a smaller scheme. However, on balance it is considered that the loss of and impact to the existing trees could be suitably mitigated by the addition of significant landscaping which is proposed as part of the submission and the planting of mature trees. Final details of trees species, sizes and their position could be

sought via a planning condition. Therefore the impact on these trees is not considered to warrant an individual reason for reason.

Ecology

The applicant has submitted a Phase 1 Preliminary Ecological Appraisal which is comprised of a desk-based study and a site investigation.

This report advises that the site has generally moderate value for bat foraging and commuting, including along the tree lines which border the site. None of the trees on the site have high bat roosting potential, with the exception of a single oak tree within the garden. This tree and all other mature trees are understood to be proposed for retention within the development. All other trees are considered to be of low to negligible bat roost potential having few or no suitable features. The hedgerow, shrub areas and trees identified within the survey site could provide suitable nesting habitat for a number of bird species. The buildings had no signs of birds breeding. It is recommended that any site clearance involving woody vegetation and demolition is undertaken outside of the bird breeding season (Mid-march to mid-August).

All buildings were internally and externally inspected for signs and evidence of bats. The report advises that no signs or evidence of bat activity were observed on site. The outbuildings surveyed were all found to be low to negligible in respect of suitability or potential for roosting bats. No signs or evidence of bats were observed on the site or nearby.

The report recommends a number of ecological and biodiversity mitigations and improvement measures. Overall the report advises that the proposed development has a negligible risk of significant harm or impact to protected, priority or rare species or habitats.

The Council's Arboricultural Officer has reviewed the report and is accepting of its findings. The proposed ecological and biodiversity recommendations should be included in a future landscape plan.

Landscaping

No formal landscape plan has been submitted but it is advised within the submission that the applicant will commission a landscape designer. A CGI representation of the proposed rear landscaping has been created and displayed within the Design and Access Statement. An overview of the landscape proposal is detailed within the submitted Design and Access Statement. A formal garden and mature planting will be sited at the front of the site, with supplementary mature screening planting along the side boundaries. At the rear, the proposed landscaping has been designed to have a character and function as a single, private garden accessible by the residents, without formal subdivision into separate ancillary domestic spaces. The existing tennis court at the rear of the site will be refurbished.

The Council's Arboricultural Officer advises that a landscaping scheme is expected to build upon the strong features of the site such as the predominance of native tree species, no internal boundaries and the open space in the centre of the site. The design must also look to diversify the species range to provide resilience to climate change and pest and diseases. Trees, shrubs and herbaceous plants should aim to provide year round interest both visually and for wildlife such as bees and butterflies. Provision of naturalised water features would be very beneficial. Roof gardens are a good way of providing additional

green/recreational space. The planting palette for the gardens should take local climatic conditions into account in order to minimise on-going inputs such as irrigation.

In summary, a detailed soft and hard landscape plans would be required. This is not essential to the assessment of the application and can be sought via a condition.

Flood Risk, drainage and soil

The site is located within Flood Zone 1 (low risk). The applicant has submitted a flood risk assessment which confirms that the risk of flooding to the proposed development from all sources is considered to be low. The report proposes a number of mitigation measures to ensure that there will be no increase in the risk of flooding to other areas via any source.

The Council's Drainage team have reviewed the submitted documents and comment that there is insufficient information regarding the management of surface water runoff. No drainage strategy has been provided. However, it is not considered that the lack of sufficient detail would result in refusal of the application and the details can be sought at a later point via condition.

A Screening and Scoping Hydrology Report has been prepared and submitted as part of the application. This details that the proposal comprises of three basement levels - lower ground, basement and spa). The basement area is 60.0m (north to south) by 62.5m (east to west), with the floor level of the spa level is 85.699m AOD. A structural scheme has not yet been developed but the report expects a secant piled wall along the basement perimeter with a suspended reinforced concrete slab supported by bearing/tension piles.

In terms of geology and hydrogeology, the report advises that there is a water-bearing aquifer unit beneath the site. Groundwater has been observed in local boreholes at depths higher than that of the floor level of the proposed basement.

There will an overall increase in man-made impermeable area so the amount, timing and quality of surface water runoff will be changed by the development. No water will go to ground as a result of the basement development, as the ground is not suitable for infiltration SUDS. Runoff will be managed by attenuation SUDS so that water is not released to sewers at a rate greater than at present.

Sustainability

The proposal is required to comply with policy 5.2 of the Mayor's London Plan. The Sustainable Design and Construction SPD advises that a reduction in carbon dioxide emissions by 35% is required. The applicant has submitted a Sustainability/Energy Statement which confirms that a 35% improvement over Building Regulations will be achieved.

The proposal would contain the provision of lifts to serve all floors which would comply with Building Regulation M4(2) and policy 3.8 of the London Plan.

The Sustainability Statement confirms that efficient water fittings will be installed to reduce internal water demand.

Utilities

The applicant has submitted a utilities statement. This advises that the provision of a suitable local sub-station or transformer will be required to serve the proposed development. However, the applicant has yet to discuss this with UK Power Network (UKPN). The site is served by a mains gas supply and the applicant will need to discuss with National Grid to confirm upgrades and infrastructure requirements. The applicant will engage with Thames Water to discuss complete flow rate and water pressure to ascertain impact on the existing supply and drainage infrastructure from the site.

Security

The metropolitan Police have provided a response. Following discussions between the planning agent and the Designing Out Crime Officer, the Officer is confident that appropriate security measures will be installed. Due to the high end nature of this development, this increases the risk for targeted crime and therefore a condition is requested to ensure that a bronze accreditation will be achieved for this scheme.

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 supports the Council in meeting its statutory equality responsibilities.

7. The Planning Balance

In accordance with the NPPF, the harm identified to the significance of the heritage asset should be weighed against the public benefits. To reflect the requirement to have special regard to the desirability of preserving designated heritage assets, the LPA gives significant importance and weight to the harm arising from the resulting loss of the Locally Listed building and to this part of the Hampstead Garden Suburb Conservation Area. This is reinforced by the significant weight given to the harm that would be caused by the proposed replacement building which would not preserve or enhance the significance of this area of the Hampstead Garden Suburb Conservation Area. Combining the weight of these concerns, the LPA considers that cumulatively the proposal amounts to substantial harm to the significance of the heritage assets.

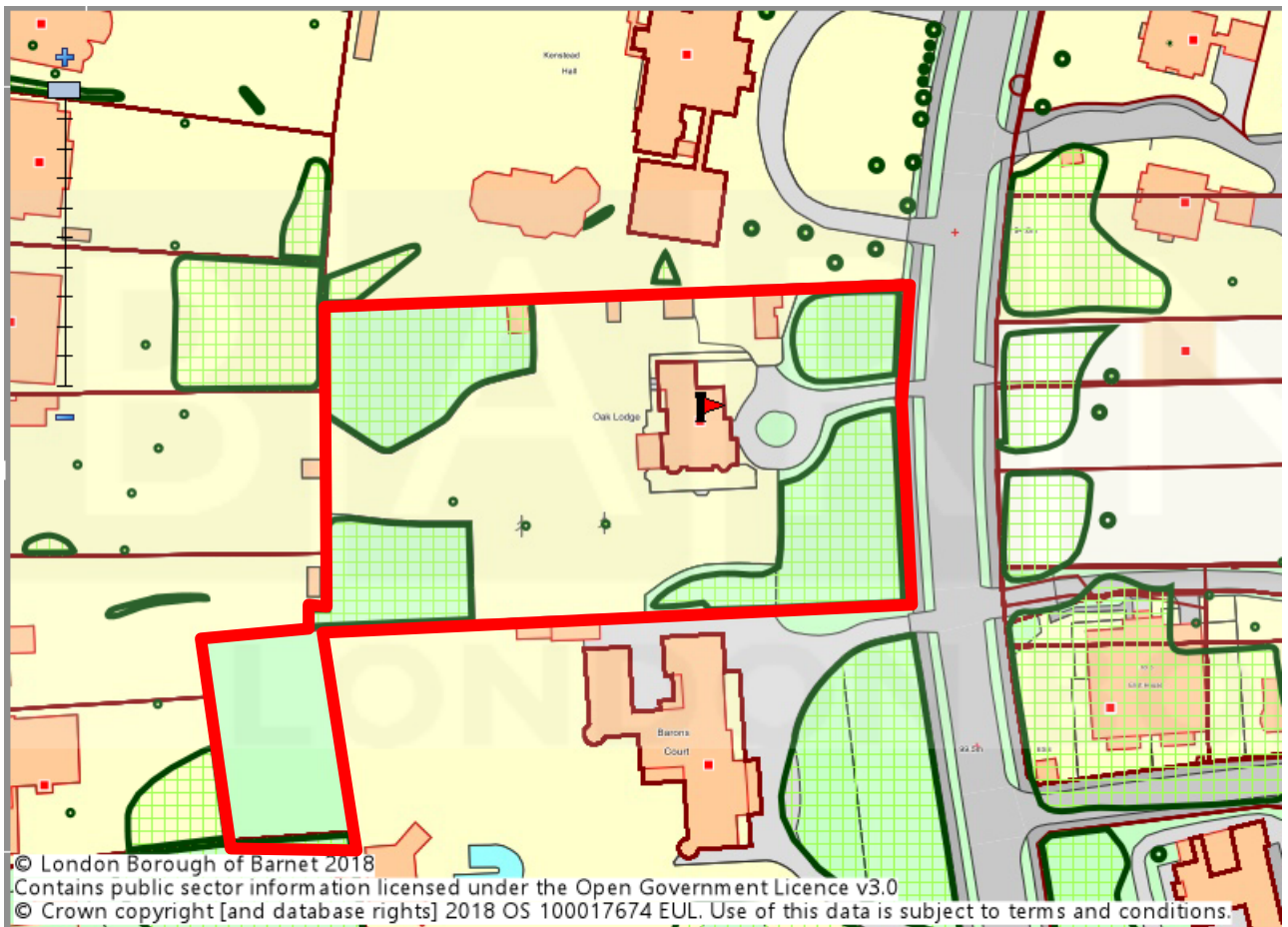
The proposed public benefits of the scheme are acknowledged which consist of the provision of additional housing, bringing the site into use, the provision of a contribution towards affordable housing and to the Community Infrastructure Levy.

Weighing all these factors in the balance, the LPA consider that the extensive and significant harm caused by the proposed development would overwhelmingly outweigh the benefits of the scheme.

8. Conclusions

Having taken all material considerations into account, it is considered that the proposed development would have an unacceptable impact through the loss of the Locally Listed building and causing harm to the significance of the conservation area. The proposed replacement building is considered to be harmful to the character and appearance of the site, street scene and would not preserve the special architectural and historic interest of the conservation area. The development is not considered to have an adverse impact on

the amenities of neighbouring occupiers, future occupiers and is considered to be acceptable on highways grounds. This application is therefore recommended for refusal.



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