

Location **Development At Rear Of No. 252 And 254 East Barnet Road. Barnet EN4 8TF**

Reference: **19/5611/FUL** Received: 17th October 2019
Accepted: 21st October 2019

Ward: East Barnet Expiry 16th December 2019

Applicant: Mr Tasos Alecou

Proposal: Demolition of existing double garages. Erection of, two storey dwellinghouse, including, off street parking, refuse and recycle store, cycle store and associated amenity space

Recommendation: Refuse

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

- 1 The proposed development, by reason of its restricted plot size would result in the development having a cramped appearance. The proposed dwelling would erode the gap between the houses in Middle Road and buildings on East Barnet Road, which is also mirrored on the opposite side of the street. The proposal would significantly reduce the plot size at 252-254 East Barnet Road resulting in an incongruous and cramped form of development which is unsympathetic and detrimental to the character and appearance of the surrounding properties and the streetscene. The proposal is contrary to policy DM01 of the Development Management DPD, policies CS NPPF, CS1 and CS5 of the Barnet Core Strategy and the Supplementary Planning Document: Residential Design Guide (2013) and the National Planning Policy Framework.

Informative(s):

- 1 The plans accompanying this application are: 1347/02, 1347/03 REV A, 1347/04 REV A, 1347/03 REV A, 1347/05 REV A, 1347/06 REV A, 1347/07 REV A, Design and Access Statement.
- 2 In accordance with paragraphs 38-57 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.

Officer's Assessment

This application would normally be determined under the Council's Delegated powers but has been "called in" by Councillor Felix Byers who wishes the matter to be considered by Planning Committee for the following reasons:

- Consistent with Policy CS4 in the Barnet Local Plan, the proposed development will deliver a 'family home' that 'does not undermine suburban character or local distinctiveness' in this part of East Barnet ward. The proposed architecture is consistent with and will complement the existing architecture on Middle Road, whereas I am unsure as to whether any dissimilar proposals - e.g. for a bungalow, on a road where I am not sure there are currently any - would.
- Consistent with Policy CS5 in the Barnet Local Plan, the proposed development is 'attractive', is sensitive to the distinct and historically noteworthy architectural character of East Barnet Village, and delivers those benefits in a sustainable way including provision of off-road parking in an area where such is in short supply (per Policy DM17).
- Consistent with Policy DM01, these are proposals that demonstrate an 'understanding of local characteristics', 'preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.' This is unsurprising given that the developer and his representative are both based in East Barnet Village.
- The various public comments submitted in support of the application demonstrates that the new building is largely deemed 'good design' and can be considered 'acceptable to communities'.
- I am not aware of any objections by those properties affected by the assumed 'erosion of the visual gap'.
- The application will make a net contribution to amenity by removing derelict and structurally deteriorating garages, that attract trespassers and generally negatively impact the street scene, and substituting a sensible family home on a site in high demand.
- The current land use has a negative impact on community amenity for the aforementioned reasons.
- There is precedent for having approved perhaps denser plans in the vicinity, e.g., the flats at 236 East Barnet Road, EN4.

1. Site Description

The application site is to the rear of two storey buildings which front East Barnet Road and are within the East Barnet Village local shopping frontage. The site is to the rear on a corner plot between East Barnet Road and Middle Road. The two storey buildings to the front of the site contain, at ground floor level, a takeaway pizza restaurant and a shoe repair shop.

The rear of these units, and the land subject of the current application, comprises a detached double garage block which fronts onto and has vehicle access onto Middle Road. The surrounding area is of a mixed usage comprising of commercial on the ground floor with residential above on the main East Barnet Road. Middle Road comprises of predominantly terrace dwellinghouses regular in pattern, design and siting with reasonably deep rear gardens. Middle Road is sited on a gradient that slopes down towards East Barnet Road.

The property is not listed and is not located within conservation area.

2. Site History

Reference: B/01507/12

Address: Rear Of 252/254 East Barnet Road, Barnet, EN4 8TD, Decision:

Decision: Refused

Date: 29 September 2016

Description: Erection of a two storey dwelling house with associated parking.

Reference: B/01507/12

Address: 256 East Barnet Road, Barnet, EN4 8TD

Decision: Refused

Date: 21 June 2012

Description: Erection of a two storey plus lower ground level dwellinghouse.

Reference: 16/1505/FUL

Address: Rear of 252/254 East Barnet Road, Barnet, EN4 8TD

Decision: Refused and Dismissed at appeal

Date: Refused 29 September 2016.

Appeal dismissed 20 July 2017.

Description: Erection of a two-storey dwelling house with associated parking.

Reasons for refusal:

1. The proposed development, by reason of its restricted plot size and resultant cramped appearance, and its design, scale and form would be a visually incongruous and cramped form of development which is unsympathetic and detrimental to the character and appearance of the surrounding properties and the streetscene. The proposal is contrary to policy DM01 of the Development Management DPD, policies CS NPPF, CS1 and CS5 of the Barnet Core Strategy and the Supplementary Planning Document: Residential Design Guide (2013) and the National Planning Policy Framework.

2. The proposed dwelling, in the absence of the provision of off-street parking will result in additional overspill parking on the surrounding congested and highly-parked up highway network, to the detriment of highway and pedestrian safety and the free-flow of traffic. The proposal is contrary to policy DM17 of the Development Management DPD, policy CS5 of the Barnet Core Strategy and the Supplementary Planning Document: Residential Design Guide (2013) and the National Planning Policy Framework.

3. The proposed dwelling, by reason of its cramped layout, its proximity to the site boundaries and its orientation would result in the provision of cramped outdoor amenity spaces with a poor quality outlook at ground floor level and a dark and cramped amenity space which would not be useable. The proposal would not provide sufficient quality of amenity for future occupants, contrary to policy DM01 of the Development Management DPD, policy CS5 of the Barnet Core Strategy and the Supplementary Planning Document: Residential Design Guide (2013) and Sustainable Design and Construction SPD (2013).

This application was also dismissed at appeal.

The inspector's conclusions are stated below:

Paragraph 8 - "Although the proposed building plot would have a wider frontage than the surrounding terraced buildings, as it is being created from what was the rear curtilage of numbers 252-254 East Barnet Road, the proposed dwelling would be much larger than the pair of garages currently on the site. As such, the insertion of the proposed dwelling would erode the gap between the existing houses in Middle Road and the buildings on East Barnet Road, which is also mirrored on the opposite side of the street. Whilst the plot coverage ratio

may be less than the houses on Middle Road, this would be achieved at the expense of significantly reducing the plot size at 252-254 East Barnet Road. Together with the erosion of the gap, this would result in the development having a cramped appearance."

Paragraph 9 - "Taken as a whole, I conclude that the proposed development would be harmful to the character and appearance of the area, which has a strong local identity and character.

The applicant has also sought advice from the Council's pre-application service, officers have advised that redevelopment of this site would not be supported by Council.

3. Proposal

The proposal includes the demolition of existing double garages. Erection of, two storey dwellinghouse, including, off street parking, refuse and recycle store, cycle store and associated amenity space.

4. Public Consultation

Consultation letters were sent to 156 neighbouring properties.

33 responses have been received, comprising 15 letters of objection (some objectors send multiple objections) and 12 letters of support.

The objections received can be summarised as follows:

- Overdevelopment of site,
- Parking concern;
- Character of the area;
- Visual impact; size and shape of the house including the material will be out of character with the immediate area.
- Cramped overdevelopment;
- Noise;
- Construction inconvenience;
- Air quality impacts
- Private amenity space for apartments over pizza shop will be taken; resulting in cramped outdoor amenity space with poor outlook.
- Loss of privacy;
- Impact on daylight, sunlight privacy and outlook of adjoining property;
- 1.8m tall fence will block light;
- Visual impact;
- Scale of development;
- The proposal is a larger scale than the existing double garages;
- Refuse bin;
- Over- density;
- House will be located on Middle Road;
- Part wall issues,
- Highway safety compromised;
- Security issues with neighbouring properties;
- Right of light,
- Sustainability;
- Concern regarding a tree located on the corner of Middle Road;
- Inaccuracy of proposed address;

- Potential flooding;

The supporting representations received can be summarised as follows:

- Positively impact the street scene and local communities.
- House would sit comfortably, without any negative impact on neighbouring properties, design is in keeping.
- Existing garages eyesore.
- Positive contribution.
- Add to housing need.
- Rather house than garages.
- More business to local shops.
- Increase house prices.
- Enhance the road.
- These derelict garages attractive all sort from people concluding fly tipping.

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 revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

The London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- 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. The SPD 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.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of residential development
- Character and appearance
- Impact on living conditions of neighbouring residents.
- Quality of accommodation proposed

5.3 Assessment of proposals

Principle of residential development

The delegated report for the previously refused application ref:16/1505/FUL states:
"There is no objection to the removal of the existing garages and the use of the site for residential development. However, this must be in the context of such residential development being appropriate and in compliance with all other requirements of the Development Plan."

The officers consider the principle of residential remains acceptable on this basis however, subject to compliance with all other requirements of the Development Plan.

Character and appearance

The NPPF attaches great importance to the design of the built environment, stating that, "good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities" (para.124).

Policy DM01 states, 'development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

The application site is located to the rear of properties on East Barnet Road which form part of a shopping parade. The area is characterised by a mix of semi-detached and terrace style two storey properties. There are no detached dwellings in close proximity to the site.

The new house would be sited adjacent between the flank of no 1 Middle Road and the rear of 252/254 East Barnet Road. The proposed house would maintain a gap of 1.84m and 3.5m from the flank wall of 1 Middle Road and the rear building line of 254 East Barnet Road respectively.

This application is similar to the previously refused scheme under application ref: 16/1505/FUL involving the "Erection of a two-storey dwelling house with associated parking" under character and appearance grounds. The reason is summarised below.

"The proposed development, by reason of its restricted plot size and resultant cramped appearance, and its design, scale and form would be a visually incongruous and cramped form of development which is unsympathetic and detrimental to the character and appearance of the surrounding properties and the streetscene..."

The applicant appealed against the councils decision and In dismissing the subsequent appeal, the Inspector upheld the LPA's concerns. Paragraph 8 states:

Paragraph 8 - "Although the proposed building plot would have a wider frontage than the surrounding terraced buildings, as it is being created from what was the rear curtilage of numbers 252-254 East Barnet Road, the proposed dwelling would be much larger than the pair of garages currently on the site. As such, the insertion of the proposed dwelling would erode the gap between the existing houses in Middle Road and the buildings on East Barnet Road, which is also mirrored on the opposite side of the street. Whilst the plot coverage ratio may be less than the houses on Middle Road, this would be achieved at the expense of

significantly reducing the plot size at 252-254 East Barnet Road. Together with the erosion of the gap, this would result in the development having a cramped appearance."

The house proposed under application ref 16/1505/FUL measured 7.9m high and 5.7m wide. The height of the house currently proposed measured at 8.7m is much higher than the previously refused scheme.

Whilst the proposed house has now been moved further away from 1 Middle Road (1.84m gap between flank walls), this results in the house moving closer to 254 East Barnet Road and also much higher than the scheme previously refused.

Whilst it is noted that the 1.84m gap created would allow some views through the site, this would in turn reduce the gap to the rear of East Barnet Road properties. As noted above the height of the proposed house is higher than the previously refused scheme and by moving the position of the current scheme closer to East Barnet Road properties does not overcome the concerns of the LPA and does not address the Planning Inspectorate comments in respect of the erosion of the visual gap (particularly at first floor level). The proposal would still erode the gap between the existing houses in Middle Road and the buildings on East Barnet Road, which is also mirrored on the opposite side of the site. The proposal would be achieved at the expense of significantly reducing the plot size at 252-254 East Barnet Road.

The Planning Inspector references the site opposite (rear of 256 East Barnet Road), noting that the visual gap currently found at the subject site mirrors that found at 256 East Barnet Road. The Planning History section of this report provides details showing that similar development proposals at 256 East Barnet Road have also been resisted by the LPA on the basis of loss of the visual gap and the proposal having a cramped appearance.

Given the limited size of the plot, the proposed height and width of the dwelling in close proximity to the neighbouring buildings would constitute a cramped form of development. Furthermore, the design and appearance would not respect the appearance, scale and pattern of surrounding buildings, spaces and streets as required by Policy DM1. As such, it is determined that the proposal would be detrimental to the character and appearance of the street scene and the wider locality.

Overall, it is considered that the proposal would have a harmful impact on the character and appearance of the street scene and wider locality. It would not respect the appearance, scale, mass, height or pattern of fenestration to the surround buildings.

Impact on Living condition of neighbouring residents

Barnet policy DM01 requires new development to have due regard to the amenity of existing occupiers in neighbouring buildings.

The proposed new building would be sited adjacent to the neighbouring properties at Middle Road and would not appear overbearing or visually intrusive when viewed from these neighbouring properties. The front and rear building lines of the proposed house would be consistent with No. 1 Middle Road, the immediate neighbour to the south.

The north elevation of the proposed dwellinghouse is to be sited at a distance of 3.5m from the rear elevation of 254 and 252 East Barnet Road. The windows at this neighbouring site are located away from the proposed dwelling. Those windows in the two storey outriggers to the East Barnet Road buildings face toward the opposite outrigger, and already have a limited outlook and aspect which would not be significantly or demonstrably harmed additionally by the proposed building.

The proposed building would introduce some additional views to neighbouring properties, however having regard to the grain of the area and the presence of existing residential windows with the same or similar outlook, it is not considered that the proposal would be detrimental to the privacy of the occupants of any neighbouring property.

The subdivision of the plot to the rear would considerably reduce the size of the rear gardens of no. 252 and 254 East Barnet Road however given these gardens currently service the commercial units there will be no impact on the residential amenities of the occupiers of first floor units.

Provision of adequate accommodation for future occupiers

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

The London Plan (2016) and the Sustainable Design and Construction SPD (2016) set out the minimum space requirements for residential units and bedrooms.

At 79.8 sqm the proposed house exceeds the minimum London Plan space standards (79 sqm for a 2 storey 2 bed 4-person unit). Both bedrooms exceed the minimum space standard one measuring 11.5 sqm and 12 sqm.

The proposal would allow reasonable levels of outlook are achieved from all habitable rooms. 48 sqm of private amenity space would be provided, which exceeds the minimum requirement for a house with 4 habitable rooms (40 sqm).

Highways and parking provision

Barnet policy DM17 states that the Council will expect development to provide parking in accordance with the London Plan standards.

The proposed development will be accessed from Middle Road. Middle Road is a residential no-through Road fronted by a mixture of terraced and semi-detached properties. There are no parking restrictions in the road and vehicles park on both sides. There is evidence of parking stress on the road and the site is not in a CPZ.

It has a PTAL rating of 3 (average) which indicates a moderate level of public transport accessibility. 5 bus routes can be accessed from stops within 2minutes walking distance of the site and Oakleigh Park rail station is about 11 minutes walking distance away.

The demolition of the two existing garages serving 252/254 East Barnet Road and erection of a two-bed single dwelling-house will attract a maximum parking provision of 1.0 -1.5 car parking spaces. The applicant proposes 1 parking space which will be accessed via an existing crossover.

However, demolition of the existing garages would displace two parking spaces onto a road that currently suffers from severe parking stress. Highways would therefore request if the application be recommended for approval that the applicant undertakes a parking beat survey to demonstrate the availability of spaces within a 200 metre radius.

Based on London Plan requirements a minimum of two cycle parking spaces are required. The existing ground floor plan shows cycle parking along the western side access next near the bin storage. Details of cycle parking would therefore requested by way of a condition if the Council are minded to approve the application.

Refuse and Recycling

The proposed refuse storage is acceptable. If the Council are minded to recommend approval a condition of consent is suggested requesting details of storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection to be approved by Council.

5.4 Response to Public Consultation

The consultation concerns have been addressed within the report.

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. Conclusion

Whilst the proposal is an improvement on the previous application 16/1505/FUL as it moves the position of the proposed house closer to the East Barnet Road properties, this is not considered to have overcome the concerns of the LPA and the Planning Inspectorate in respects of the erosion of the visual gap and would still result in a cramped development which would be unacceptable in character and appearance terms.

