

Location **301 - 305 Cricklewood Lane London NW2 2JL**

Reference: **20/0872/FUL** Received: 18th February 2020
Accepted: 25th February 2020

Ward: Childs Hill Expiry 21st April 2020

Applicant: Mr Ezekiel Sweiry

Proposal: 2no rear obscured glazed windows. Reinstatement of shopfront paving glass bricks

Recommendation: Approve subject to conditions

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 development hereby permitted shall be carried out in accordance with the following approved plans:
19-336-201 P1
19-336-200 P1
19-336-202 P2
19-336-205 P1
Design and Access Statement

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The materials to be used in the external surfaces of the building(s) shall match those specified in the approved plans and application form.

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 Before the building hereby permitted is first occupied the proposed window(s) in the rear elevation at basement level facing into Tudor Court shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

The application site relates to a commercial unit located at 301-305 Cricklewood Lane, NW2 2JL, occupying basement and ground floor levels of a 3 storey building with residential units on the upper floors. The surrounding area consists of a mixture of residential and retail units on the ground floor level.

The site is within the main retail frontage but is not within a conservation and is not a listed building.

2. Site History

Reference: 20/0873/ADV

Address: 301 - 305 Cricklewood Lane, London, NW2 2JL

Decision: Approved subject to conditions

Decision Date: 17 April 2020

Description: Installation of 1 no non illuminated fascia sign

3. Proposal

2 no rear obscured glazed windows. Reinstatement of shopfront paving glass bricks at ground floor street level to provide additional natural light to the basement area below.

The application originally included an air conditioning unit to the side elevation of the application site, however, this was removed during the lifetime of the application.

4. Consultation

Consultation letters were sent to 192 neighbouring occupiers. 21 objections were received, summarised below:

- o The windows proposed would be directly in front of the 3 flats on the ground floor level and would encroach into the internal domestic setting of Tudor Court
- o Tudor Court has been undergoing development for 3 years and residents have had to endure disturbance and would not have the appetite for more building works
- o The wall where the windows are proposed supports the flats above and putting windows into this wall is not practical
- o Structural work may lead to the collapse of the building
- o The works above the building have caused structural damage to the building and further work with effect this further
- o Security concerns - should the property be broken into a glass section will be easier to break through to gain access to internal flats
- o Intrudes into a residential building that houses - privacy concerns
- o Lack of privacy
- o Loss of security as windows would provide access from a public shop into private residence
- o Disruption of access to communal areas by proposed works as residents use area to access meter readings
- o Air con unit will emit sound and noise disturbance. Air con poses risk of electrical hazards

- o Could set a precedent and encourage other shops that share a common wall with Tudor Court to file similar applications

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 amended on 19 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, 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, 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.

Barnet's Local Plan (Reg 18) 2020

Barnet's Local Plan -Reg 18 Preferred Approach was approved for consultation on 6th January 2020. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's emerging Local Plan. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of emerging policies and draft site proposals.

Supplementary Planning Documents

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:

- 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.

5.3 Assessment of proposals

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01 which states that all proposals should preserve and enhance the local character of the area, as well as policies CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

The application site relates to a commercial unit located at 301-305 Cricklewood Lane, NW2 2JL, occupying basement and ground floor levels of a 3 storey building with residential units on the upper floors. The surrounding area consists of a mixture of residential and retail units on the ground floor level.

Reinstatement of glass paving bricks:

The application proposes to reinstate paving glass bricks within existing structural openings at footpath level immediately in front of the shopfront. This area is currently covered with asphalt where there were previously paving glass bricks. The application proposes to reinstate the paving glass brick in order to provide more natural light to the basement areas. The paving glass bricks would be finished in a concrete surround. Four paving glass bricks measuring approximately 0.7 metres in depth and 1.2 metres in width are proposed, spread along the front elevation of the commercial unit at street level.

Following a site visit, it was noted that other commercial units along Cricklewood Lane benefit from glass paving bricks of similar design and size to the shopfront at ground floor level as proposed within this application. Although some units have asphalt coverings similar to that existing at the application site, the character of the area is mixed with both covered and paving glass bricks present in the surrounding commercial units and area. The original glass paving bricks were visible during a site visit from the basement level and as the features were existing at the property at one time, the reinstatement of the paving bricks is thought to be in-keeping with the character of the application site. Therefore, this element of the application is considered to be acceptable in regard to the character and appearance of the street scene and surrounding area. Further, the paving bricks make efficient use of natural light to allow light into the existing basement which will enhance the enjoyment and use of this space.

2no rear obscured glazed windows:

The application also proposes 2no rear obscured glazed windows at basement level measuring (3.2m W x 1m H) and (2.2m W x 1m H) respectively, with the bottom sill of the windows approximately 1.3 metres above floor level. The proposed windows will be secured and obscure glazed with the purpose of bringing light into the basement rooms which will be used as staff offices, a staff dining space and for client presentation.

The proposed windows will be positioned on the rear elevation of the application site which faces onto an internal courtyard area within Tudor Court. The windows will face onto flats 1 and 2 Tudor Court whilst flat 3 also faces onto the internal courtyard but to the side of the application site and not directly opposite the proposed windows. The use of the internal courtyard is to provide an area of enjoyment for the residential units in Tudor Court, however, it seems to currently be used to access gas/electric meters for meter readings. The proposed windows will not be visible from the public realm and street scene due to their position on the rear elevation, facing onto a private internal courtyard. As such, the insertion of two obscure glazed windows is not thought to harm the character and appearance of the application site and surrounding local area to a detrimental level.

Overall, it is not found that the established character and appearance of the existing application site and general locality would be affected should this proposal receive approval.

- Whether harm would be caused to the living conditions of neighbouring residents.

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

Reinstatement of shopfront paving glass bricks:

The new paving glass bricks, due to their position at the front elevation at ground floor level, are not found to cause harm to the amenity of neighbouring occupiers.

2no rear obscured glazed windows:

The proposed 2no rear windows will face onto an internal courtyard which services the residents of flats in Tudor Court. Flats 1 and 2 Tudor Court are located directly opposite the proposed windows, however, the internal courtyard separates the proposed windows and flats 1 and 2. There will be a gap of approximately 7.2 metres between the proposed

windows and the flats opposite which is a significant distance away which is considered to mitigate any concerns regarding loss of privacy and overlooking. The obscure glaze of the windows is further considered to mitigate any concerns regarding overlooking and loss of privacy to the residents of Tudor Court as the windows will not allow views into the internal courtyard and will serve the purpose of allowing natural light into basement rooms of the commercial unit. Further, the basement rooms of the application site where the windows are proposed will be used by the staff as office and dining space. The basement rooms will sometimes be used by those other than staff for client presentations, however, the obscure glazing of the proposed windows is considered to ensure that there will be no views available into Tudor Court and therefore there is no loss of privacy to the residents of Tudor Court. The proposed windows will be secured shut and will not allow for access from the application site into the residential courtyard of Tudor Court. It has been confirmed that the hours of use of the basement for the activities stated above, are Monday-Friday 6am-7pm, Saturday 10am-6pm and Sunday 12pm-5pm. As the proposed windows will be secured and non-openable and are set a sufficient distance away from the neighbouring flats, it is not considered that any noise disturbance created by the windows will be great enough to warrant refusal of this application.

The proposed windows to the rear elevation are not considered to harm the residential amenities of the remaining residents of Tudor Court and the development will not cause any loss of light or overshadowing.

5.4 Response to Public Consultation

- o The windows proposed would be directly in front of the 3 flats on the ground floor level and would encroach into the internal domestic setting of Tudor Court
- o Security concerns - should the property be broken into a glass section will be easier to break through to gain access to internal flats
- o Intrudes into a residential building that houses - privacy concerns
- o Lack of privacy
- o Loss of security as windows would provide access from a public shop into private residence

The above concerns have been discussed in the body of the report.

- o Tudor Court has been undergoing development for 3 years and residents have had to endure disturbance and would not have the appetite for more building works
- o The wall where the windows are proposed supports the flats above and putting windows into this wall is not practical
- o Structural work may lead to the collapse of the building
- o The works above the building have caused structural damage to the building and further work with effect this further
- o Disruption of access to communal areas by proposed works as residents use area to access meter readings

Structural concerns and building works are not a planning consideration.

- o Air con unit will emit sound and noise disturbance. Air con poses risk of electrical hazards

The element of the proposal to include an air conditioning unit has been omitted from the proposal and therefore does not form part of this application.

- o Could set a precedent and encourage other shops that share a common wall with Tudor Court to file similar applications

This application only concerns the host property and any future cases will be assessed on their own individual merits.

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

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

