

Location **3 Harman Close London NW2 2EA**

Reference: **19/3831/RCU** Received: 10th July 2019
Accepted: 10th July 2019
Ward: Childs Hill Expiry 4th September 2019

Applicant: Mr Alexander Landau

Proposal: Temporary change of use of ancillary building (Home office and Games Room - Dwelling House / Class C3) to Office Space (Financial and professional services / Class A2) (Retrospective Application)

The applicant is seeking a 3 years Temporary Change of Use.

This application is made retrospectively.

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 change of use, by reason of the clear character and residential nature of the surrounding area would cause harm to the character of the general locality and fail to preserve or enhance the residential nature of the area.

As such, the proposal would be contrary to the NPPF (2019), Policies CS1 and CS5 of the Barnet Local Plan Core Strategy (2012) and policy DM01 of the Barnet Local Plan Development Management Policies Development Plan Document (2012).

- 2 The proposed development is located within a residential area, therefore a robust sequential test is required to show why there are no acceptable sites in centre locations. Whilst a sequential test has been submitted to support the application, it is considered that the document submitted fails to show that the development could be accommodated without adversely affecting the vitality and viability of the town centre.

The application is therefore considered unacceptable and contrary to Policy DM14 of Barnet's Development Management Policies Document DPD (2012); London Plan Policy 4.2 and the requirements of the National Planning Policy Framework (2019).

Informative(s):

- 1 The plans accompanying this application are:

Site Location Plan

PL202 - Pre existing and Existing Ground Floor Plan

George Evennett - Planning Statement

Firstplan - Sequential 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 (LPA) 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 did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.

Officer's Assessment

This application has been called in by Councillor Zinkin so that the committee consider the policy issue that it raises.

1. Site Description

The application site is located along Harman Close, within the Childs Hill ward. The street consists of five properties all situated on the western side with the boundaries of gardens from Farm Avenue to the east.

The application property is a two-storey, detached, single family dwelling house. The property benefits from side annex building which since 2017 has been used by the applicant as an office for his small business.

The property is not listed nor does it lie in a Conservation Area.

2. Site History

Nil.

3. Proposal

This application seeks retrospective consent for a temporary change of use of ancillary building (Home office and Games Room - Dwelling House / Class C3) to Office Space (Financial and professional services / Class A2).

The outbuilding which is the subject of this application has been in use as an office by the applicant since 2017. The applicant claims that a substantial increase in office rates made it unviable and unsustainable for the applicant to continue renting in the Borough and so he chose to relocate adjacent to his home in the detached outbuilding.

The business employs 4 members of staff, comprising of two full time and two part time staff for office based administrative work, there are no deliveries or visitors relating to the business use. Off-street vehicle parking and bicycle parking is provided for the staff.

The application is sought for a temporary change of use to conduct business from the outbuilding for the next 3 years. The applicant states that this temporary consent is to avoid creating a precedent for business use in the local area and would by condition and time limit regulate the activity at 3 Harman Close.

4. Public Consultation

31 consultation letters were sent to neighbouring properties.
3 responses have been received, comprising of three letters of support:

The views of supporters can be summarised as follows;

- No disturbance resulting from use as office
- Good to know people are in the house during the day
- Limited time permission tied to residents

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 updated in 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 2018

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

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., DM11, DM14, DM17

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

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the proposal would be a detrimental type of development which would detract from the character and appearance of the street scene and area.
- Whether harm would be caused to the living conditions of neighbouring residents;

5.3 Assessment of proposals

This application seeks retrospective consent for a temporary change of use of ancillary building (Home office and Games Room - Dwelling House / Class C3) to Office Space (Financial and professional services / Class A2).

The detached outbuilding was built and used ancillary to the main dwelling house; however, the building is now used as insurance based professional service, with operations solely including desk based administrative activities. No outside visitors or deliveries to the premises are necessary or required. The 4-5 regular members of staff are the only people at the office, they arrive for work (9am to 5pm) and leave.

In order to assess the application regard must be had to Policy DM14 "New and existing employment space" which states that all proposals for new office space should follow a sequential approach which considers town centre sites before edge of centre sites. In this case the nearest town centre to the application site would be Cricklewood Town Centre, which is situated approximately half a mile away, There is the Childs Hill local shopping frontage located within closer proximity, approximately 0.3m. Nonetheless it is the town centre which should be prioritised before looking at sites away from this area. The reason for the policy is to direct town centre uses to town centres to maintain the vitality and viability of those centres.

The submitted planning statement states that *"The applicants experience of ever increasing office rents clearly directs to key policies identified above are not being realised or possibly the ' positive economic impact' of losing office floorspace to the borough has been considered great enough to sacrifice his business?"*

The London Plan states (a.) development/redevelopment of office provision should 'improve London's competitiveness' however it is our findings and the applicants experience that Barnet's policies and decisions have had the opposite affect especially on SMEs. Also within the London Plan it is stated monitoring of the impact of Permitted Development rights to convert offices to residential use - this is also eluded to in Barnet's own SPD but it seems to suggest there is an acceptable level of job losses? Barnet's Local Plan - Policy DM14 (a. i, ii & iii) puts in place safe guarding considerations for maintaining the office unit numbers but it seems to have no link to pricing or temporary provision whilst developments are being constructed.

It seems fairly obvious that developers who have spent money building or redeveloping offices will seek to raise rents, as they are controlling the supply they are well positioned to do this. Barnet has, it is well documented and even heralded, been undergoing somewhat of a renaissance in development. With so many developments underway there is a lack of old/existing office space and the new office space is either much more expensive or not finished and therefore unavailable.

Whether once the myriad of office space is completed and online the current hiked sq/ft price readjusts is to be seen. The application for use of a small portion of this property as a temporary office is reaction to current circumstances in Barnet. Barnet has a Economic Strategy and a says it encourages 'Flexible and Affordable Workspace' and in 2.19 of the Local plan suggest using legal agreements to control them - we feel Barnet should step up and support this established local business and resident."

Whilst the points raised may have some validity, it is still considered necessary to address Policy DM14 and give an assessment of other sites first in the town centre and then in edge of town locations before establishing whether the application site is in fact the most appropriate location for the existing office.

The submitted sequential test provides case law, which is not directly comparable, to show that in this instance it is not necessary to provide a sequential assessment of alternative office sites in town centres and only one premises is offered for review. The alternative office site provided is located within the Childs Hill Local Shopping Parade, rather than in the Cricklewood Town Centre and therefore is not considered to address the policy sufficiently. More premises should be investigated for comparison in order to meet the requirements of the policy. It is therefore, not considered to be robust enough to demonstrate the acceptability of the office use in this location.

The applicant's desire to operate his business from home relates to the level of rent he says he would be charged for commercial premises. This could apply however to many small businesses and if the principle is accepted that the level of commercial rent justifies operating a small business from home, then it could equally apply in other situations.

Impact on the character of the area

Policy DM01 states that development proposals should be based on an understanding of local characteristics and that they should preserve or enhance local character. The site is located outside of the town centre boundary within a clearly residential street. Whilst the site is close to the Childs Hill local shopping parade, there is a clear division in character between this and the residential street where the existing garage is located.

The LPA policies support home working but this is generally for the home owner themselves and does not extend to employment of staff on the scale proposed. The introduction of a commercial use of this scale, ie the home owner and 4 staff is not considered compatible with the residential character of the area. Such proposals could incrementally erode the wholly residential character of the area.

There will be no external changes to the existing building which has been in use as an office for the past three years as such the use is not considered to result in any visual impact to the appearance of the area.

Impact on the amenities of neighbours

As the proposed development utilises the existing outbuilding, any impact on neighbouring residential amenity would arise from the use itself. Officers consider that the use as set out in the application would not cause undue noise and disturbance to neighbouring occupiers, but are concerned that in accepting the principle of commercial uses of such a scale in a residential area, the character of such areas could be gradually eroded with a subsequent impact on residential amenity.

5.4 Response to Public Consultation

No objections received.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and support the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, the proposed development is considered to detrimentally impact on, and fail to protect the character of the local area. Refusal is therefore recommended.

