



## **Informative(s):**

- 1 The plans accompanying this application are:

Site and Location Plan, Drawing No.RK/BR/1304/01;

Site Plan Existing, Drawing No.0050

Ground Floor Plan Existing, Drawing No.1100;

Front and Side Elevation Existing, Drawing No.1200;

Site Plan Proposed, Drawing No.0150 Rev B

Ground Floor Plan Proposed, Drawing No.0100 Rev C;

First Floor Plan Proposed, Drawing No.0101 Rev B;

Second Floor Plan Proposed, Drawing No.0102 Rev B;

Front Elevation, Drawing No.0210 Rev B

Front Elevation and Cross Section Proposed, Drawing No.0200 Rev B

Side and Back Elevations Proposed, Drawing No.0201 Rev B

Site Context - View From North, Drawing No.0182

Street View (View From South-East), Drawing No.0186

Design and Access Statement (dated June 2019)

Planning Statement (produced by Planit Consulting; dated June 2019)

- 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. The LPA has discussed the proposal with the applicant/agent where necessary during the application process. Unfortunately the 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 case has been called to the Committee at the request of Cllr Zubairi for the following reason:

The site is appropriate for development as it lies within a sustainable part of the borough and within the Area of opportunity and Colindale Area Action Plan area where there is a commitment to deliver new homes. This fact was accepted by the Inspector in the 2019 appeal decision.

The appeal was dismissed on design grounds. However as explained in the application submission the architects have gone to considerable lengths to address the design issues raised by the Inspector. It is explained in the application that the house design follows the design and proportions of the neighbouring houses.

In terms of lack of private amenity space, I understand that the applicant has offered to make a commuted payment towards off-site recreation space which has been accepted on other neighbouring residential developments.

I consider the committee needs to be able to understand the changes made to the scheme and to be able to discuss the use of commuted payments for offside recreation provisional, they also need to be able to discuss the revised design which as set out in the application statement - would offer an exciting new house in the Borough. For these reasons I consider it is only fair that the application be taken into committee.

### 1. Site Description

The application relates to land adjacent to 1 Booth Road, currently occupied by a single storey brick and metal garage.

The application site is a relatively small restricted rectangular shaped pocket of land fronting Booth Road on the plot's eastern side; the side elevation of 1 Booth Road on its northern side; the rear gardens of homes on Colindale Avenue on its southern side and a shed and an area of private garden associated with 1 Booth Rd, not part the application site, on its western side.

Booth Road and the wider area are mostly residential in nature, a mix of smaller residential terrace groups, with some semi-detached and blocks of purpose built flats further to the north and mixed residential / commercial properties along Colindale Avenue. A mix of brick and render finishes are present on the street.

The application site does not contain any statutory listed or locally listed buildings. It is not within a Conservation Area, but is an Area of Opportunity; part of the Colindale Area Action Plan (2010) and within a Controlled Parking Zone (CPZ). It falls within a PTAL 4 (good) rating area.

### 2. Site History

19/3584/FUL - A refusal on 27.08.2019 relating to a similar scheme to demolish of existing garage and erect a three storey dwelling. Refusal reasons were as follows:

a) The proposed dwelling by reason of its size, height, design and siting would be a cramped and incongruous form of development on a restricted site, amounting to overdevelopment which would fail to relate to the context of the site and the pattern of development in the immediate surrounding area, to the detriment of the character and appearance of the street scene and the locality.

b) The proposed dwelling would by reason of its size, height, design and siting, be overbearing and visually obtrusive, resulting in an unacceptable sense of enclosure, to the detriment of the residential and visual amenities of the neighbouring occupiers at 1 Booth Road, 183 Colindale Avenue and 185 Colindale Avenue.

c) The proposed development would provide an insufficient and poor quality outdoor amenity space. The proposal would therefore provide a poor quality of accommodation for future residents

19/00287/AREF (Barnet reference) & APP/N5090/W/19/3237013 (Planning inspectorate reference)- This appeal relating to the above scheme, was dismissed on 07.01.20 for the following reasons:

a) Amenity Space

"Future occupants would rely on the balconies to provide a source of outdoor space which is limited. Although they could not be considered as providing a reasonable level of privacy from public view due to their positioning, and direct sun light would be limited as they are both north east facing.

I am mindful that this proposal is not a family dwelling, and the local area offers access to open space; albeit precise locations have not been provided. The SDC SPD advises amenity space for houses should be provided in the form of rear gardens, but I am also aware that the Council agrees to the use of balconies in appropriate circumstances; that planning obligations could be used to secure external space; and 40m<sup>2</sup> of external space is required for up to four habitable rooms. The London Housing Supplementary Planning Guidance and Standards 26 and 27 in respect of private open space standards are also relevant, seeking similar provision.

I therefore find that the outdoor amenity space would be inadequate to provide an acceptable standard for occupiers, and the proposal would therefore be contrary to DMLP Policy DM02, and both the RDG and SDC SPD's. "

b) Impact on character and appearance

"its scale, massing and height and contemporary design with atypical balcony detail, and narrow width, would appear as a discordant and incongruous feature in this location. It would not therefore respect the context and character of the adjacent houses to which it is most closely related, or to the overall street scene."

### 3. Proposal

Demolition of existing garage and erection of a three storey dwelling. Building has an asymmetrical gable front, and a balcony on front elevation at first floor level. Building footprint would be 8810 mm depth by 4110mm width

The proposed dwelling's windows are restricted to the front and rear elevations, alongside rear lightwells serving the ground floor. Materials are brick; slate roof, with no window frames specified. There are proposed cycling, waste and recycling storage next to the front door under balcony. No designated parking spaces form part of the scheme and there is no rear garden area due to plot restraints. The proposed entrance is via front of the property onto Booth Rd.

Internal Dwelling Details (as measured from plans)

Gross Internal Area - 58m<sup>2</sup> - 25m<sup>2</sup> ground floor / 16.5m<sup>2</sup> first floor / 16.5m<sup>2</sup> second floor

Total Number of Habitable Rooms: 3

Bedroom (2nd floor) 10square metres

Living room (1st floor) 14.2 square metres

Kitchen / dining (ground floor) 25 square metres

Private Amenity Space - 3.04 square metres (1st floor balcony)

#### 4. Public Consultation

Neighbour consultation letters were sent to 69 neighbouring properties and a general site notice (posted on 27.02.20). Two responses were received, split over 4 representations, which are summarised below:

- o Loss of sunlight and daylight and enclosure on 1 Booth Road,
- o 3 windows that directly look down below into the garden of 1 Booth Road
- o Poor design result including its first floor and shallow depth
- o Loss of garage
- o Suitable only for non-elderly

These issues are covered in the main assessment section of this report.

##### 4.1 Internal Consultation

No comment from Highways Team on the current application, but on the preceding application with the same transport parameters, they noted the following on 23.07.19:

The site is on a local road and in a CPZ. The proposal will generate a parking requirement of 1 -1.5 vehicles. No parking provision is proposed. This is acceptable as the site is in a CPZ provided the applicant agrees to enter into a s106 agreement with the council to deny occupants of the development the right to purchase CPZ permits.

Also, the provision of two cycle parking spaces is acceptable. However, cycle parking should be provided in a secure, covered, sheltered and enclosed environment. Also, the type of stands used must allow both wheels and the frame of the bicycle to be locked.

Details of cycle parking are therefore requested by way of a planning condition Erecting a new dwelling will render the existing crossover redundant and so the applicant is requested to reinstate the redundant crossover to footway. To enable this work to be carried out on the public highway, the applicant needs to obtain a s184 licence from the Council.

As the proposal involves demolition and construction works in a residential road, Highways would recommend that a demolition and construction management and logistics plan condition is imposed. Highways would raise no objection to the proposal to demolish the existing garage and erect a new two storey plus basement level dwelling subject to the applicant agreeing to enter into a s106 agreement to deny occupiers of the new dwelling the right to purchase CPZ permits and the following conditions/informative:

## 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) (June 2019 revision) is a key part of the Government's 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

#### Mayors Housing Supplementary Planning Guidance (March 2016)

#### 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, CS2, CS5.

## 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.

- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM17

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)

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.

Colindale Area Action Plan (2010)

Planning Obligations Supplementary Planning Document (April 2013)

## 5.2 Main issues for consideration

The main issues for consideration in this case are:

- i. The Impact on the appearance and character of the area
- ii. The impact on the amenities of neighbouring occupiers
- iii. Whether the proposal provides satisfactory living accommodation for future occupiers
- iv. Parking and highways
- i. Refuse and recycling storage

## 5.3 Assessment of proposals

### 5.3.1 The Impact on the appearance and character of the area

Development proposals must respect the character and appearance of the local area, relate appropriately to the site's context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies DM01 and CS05 of the Barnet Local Plan, and 7.4 and 7.6 of the London Plan.

Policy DM01 states that all proposals should be based on an understanding of local characteristics preserve and enhance the local character of the area. They should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The immediate area where the proposed new dwelling would be sited is characterised by terraced grouping, each with a distinct and regular gap between building groups typical of a regimented streetscene.

The proposed dwelling would be three storeys in height, narrow in its form and built within a small plot with no front or back garden - apart from the front yard area heavily restricted by the combined front porch and substantial balcony integrated into the structure of the building. This design, whilst now reflecting the eaves heights and other characteristics of the adjacent properties to a greater extent than the previous application, is still problematic due to its incongruity within the constricted plot size. When viewed within the wider streetscape, it is considered to result in an atypical and cramped appearance, and would appear uncharacteristically narrow in its plot in relation to its height.

The proposed dwelling would be set 1 metre away from the side elevation of 1 Booth Road. Whilst it is acknowledged that there are other properties in the street have similar separation distances, or are terraced, this gap here would not help mitigated against the otherwise cramped form of development highlighted above.

It is also considered that the proposed storage area for bins and cycles would result in an unattractive bulky feature beyond the established building line of Booth Rd that would be harmful to the appearance of the street scene.

These issues have been highlighted in one of objections received regarding the current application and also echo the concerns and reasons for the dismal of the last appeal. The Inspector's appeal decision notes that an "atypical balcony detail, and narrow width, would appear as a discordant and incongruous feature in this location."

Given its location, the proposed dwelling would be a significantly visible addition to the local streetscape, which would exacerbate the effects of its awkward relationship with 1 Booth Rd and the overdevelopment of its plot. It fails to fully respond to the character of the surrounding area in design terms, where the nature of the plot and end of building line location would be more suggestive of a mews style scale.

As such, the proposed development goes against the established pattern of development to the detriment of the character of Booth Rd and the wider locality.

### 5.3.2 The impact on the amenities of neighbouring occupiers

It will be 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.

The proposed dwelling is located with the existing building lines of Booth Rd and has no windows on either of its side elevations. The restricted plot results in the property being significantly setback from 1 Booth Road at the rear, allowing the windows on the side elevation of the adjacent property to remain largely unobstructed. As such, there is little to no amenity impact on this property in these terms.

Notwithstanding that the proposed first floor window in the rear elevation would potentially provide line of sight into the garden area to its rear, in determining the recent appeal the Inspector found that it would be obscured by an existing shed that would act as sufficient mitigation. The second floor window would serve the bathroom.

While it is acknowledged that the increase in height over the existing outbuilding will bring a greater sense of enclosure to the house to the south, as highlighted in one of the objection representations, it remains approximately 9 metres away from the rear extension and 15 metres away from the main house at 185 Colindale Avenue. The respective orientations are also favourable, with the application site being to the north of the Colindale Avenue properties and therefore far less impactful in terms of loss of direct sunlight.

As such, the impact on this property and those beyond on Colindale Avenue is well within acceptable limits. This assessment is generally in line with Inspectors' view of the previous scheme (with its slightly larger massing):

"15. Rear windows at No.'s 183 and 185 look onto the existing boundary fence. I do not consider the additional portion of development that would be visible above the boundary fence to unacceptably harm the outlook from these windows or reduce light levels. Overall, taking account of the location of windows, separation distances, and orientation to the appeal site, I do not consider the living conditions of the occupiers of both dwellings would be harmed by an overbearing or visually intrusive form of development, or result in a sense of enclosure."

### 5.3.3 Whether the proposal provides satisfactory living accommodation for future occupiers

The rooms in the newly created dwelling would have access to natural light; meet London Plan / Nationally Described Space Standards in terms of bedroom size, gross internal floor area (58m<sup>2</sup>) and internal storage provision (1.5m<sup>2</sup>). The conditions within ground floor are on balance considered acceptable, with the rear of the living area being serviced by portal style roof lights.

Barnet's Sustainable Design and Construction SPD notes that dwellings should provide outdoor amenity space (see Section 2.3 Outdoor Amenity Space, pages 10-11) at 40m<sup>2</sup> for a new houses with 4 or less habitable rooms. As per the glossary entry in the same document (page 51) habitable rooms that exceed 20m<sup>2</sup> will be counted as two.

Barnet's Residential Design Guidance states that all dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides a reasonable level of privacy. The size, shape and slope gradient of amenity space is key to its usability. Front gardens do not normally offer quality private amenity space.

The designated outdoor private amenity space for the development within the proposals is the front balcony. The front yard, including the front steps, is also noted as amenity area in the planning statement. However, it would be of very poor quality and not come close to meeting the required standards to be considered towards the overall total outdoor amenity space given its restrictive size, nature (steps are specifically excluded), proximity to the public highway (including noise impacts) and proposed waste / recycling / cycling storage (odour and visual amenity) and general privacy issues.

As a new building requires 40 m<sup>2</sup> of space (dwellings up to four habitable rooms) and provides 3 m<sup>2</sup>, it is massively deficient and the limited external green space (Colindale Park

- a relatively small area approximately 300 metres away) is not present in enough quantity or quality to provide any sort of mitigation on this issue.

The agent has looked to explore making a financial contribution to off-site outdoor amenity space to remedy this fact, but given the small-scale of the scheme and amount of shortfall, this is not considered to be acceptable or workable solution in this particular context.

The proposed dwelling has 58m<sup>2</sup> of gross internal area, which meets the nearest applicable criteria (one bedroom / two person / two storey) laid out Table 3.3 of the Barnet Residential Guidance, London Plan and National Space Standards. The fact that a three storey configuration is not available is perhaps also indicative of the overdevelopment of the site.

#### 3.5.4 Parking and highways

Policy DM17 states that the council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be 2 to 1.5 spaces per unit for detached and semi-detached houses.

The PTAL score for the site four (good), which attracts a parking requirement of 1.5 spaces. No off street parking is proposed and there is the loss of the space associated with the existing garage.

As a single, one bedroom dwelling in an accessible location with good access to local transport links the potential parking overspill is limited. The transport team note that this would be acceptable given a restriction in control parking zone residential permit for future occupiers. This approach is in line with both the previous application on the site, which did not list this as a refusal reason and the associated appeal decision, where the issues was not covered by the Planning Inspector.

Again it is anticipated that this could be relatively easily overcome in any potential approval through the use of a s106 legal agreement to restrict residential permits for occupiers. However, this does not feature as part of the current application and has not been explored further given the other issues associated with the current design and therefore forms a reasons for refusal.

Covered, secure and accessible cycle storage has been included within the scheme in an area within the front garden. This is large enough to successfully accommodate the required 2 spaces per dwelling; is screened by existing boundary treatment; and is easily accessible from both the highway and building.

#### 5.3.5 Refuse and recycling storage

Sufficient refuse and recycling storage is provided on the plans in the front yard area, which is large enough to successfully accommodate the needs of the dwelling; is screened by the proposed boundary treatment; and is easily accessible from both the highway and building.

## 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

While the site's use for an additional residential dwelling is acceptable in principle, the development would have to be scaled appropriately to lessen its impact on the streetscene and to allow for increased outdoor amenity space. It is expected that the issues identified around privacy and parking could be overcome via conditions and legal agreements in a future application.

The proposal is considered not to accord with the requirements of the Development Plan in current form and is therefore recommended for REFUSAL

