

Location **2 Kenerne Drive Barnet EN5 2NN**

Reference: **20/2674/FUL**

Received: 15th June 2020

Accepted: 16th June 2020

Ward: Underhill

Expiry 11th August 2020

Applicant: Mr Steve Bernard

Proposal: Demolition of existing garages and erection of 1no. single family dwellinghouse with associated amenity space, refuse storage, cycle store and provision of off-street parking.

Recommendation: Refuse

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 their 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 size, siting and design would appear as a cramped and incongruous form of development on a restricted site which is unsympathetic and at odds with the established pattern of developments detrimental to the character and appearance of the area and the streetscene, contrary to policies to the Council's policies CS NPPF, CS1 and CS5 of the Barnet's Local Plan (Core Strategy) DPD (September 2012) and Policy DM01 of the Barnet's Local Plan (Development Management Policies) DPD (September 2012) and the Supplementary Planning Document: Residential Design Guide (2016) and the National Planning Policy Framework.

Informative(s):

- 1 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.

2 The plans accompanying this application are as follows:

Planning Statement
Design & Access Statement
Drg.no. 19\P\101 (Proposed Floor Plans)
Drg.no. 19\P\102 (Proposed Elevations)
Drg.no. 19\P\103 (Site Plans)

OFFICER'S ASSESSMENT

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

I am aware that the consultation on the above application is about to close. I am very keen for the council to support key worker housing. If your decision is not to approve this application then I would wish to 'call in' this application.

1. Site Description

The application site is currently occupied by a pair of garages (2 & 2A Kenerne Drive) located adjacent to no.4 Kenerne Drive, on the eastern side of Kenerne Drive, close to the junction with Mays Lane.

The site is not located within a Conservation Area or any other area of special control.

The area is very residential in character and comprises of semi-detached and terraced properties.

There are no protected trees on the site.

2. Site History

Reference no: B/03955/14

Address: 2A Kenerne Drive, Barnet, Herts, EN5 2NN

Decision: Refused

Decision date: 17/09/14

Description: Demolition of existing garages and erection of a new two storey dwelling house with rooms in roof space.

Reasons for refusal:

1. The proposed dwelling by reason of its size, design and siting would be a cramped and incongruous form of development on a restricted site detrimental to the character and appearance of the area and the streetscene, contrary to policies to the Council's policies CS NPPF, CS1 and CS5 of the Barnet's Local Plan (Core Strategy) DPD (September 2012) and Policy DM01 of the Barnet's Local Plan (Development Management Policies) DPD (September 2012).
2. The proposed development by reason of its size, design and siting would be appear overbearing and visually obtrusive, detrimental to the visual amenity of the occupiers of Nos. 150 and 148 Mays Lane. The proposals would have a harmful impact on neighbouring amenity contrary to policies to the Council's policies CS NPPF, CS1 and CS5 of the Barnet's Local Plan (Core Strategy) DPD (September 2012) and Policy DM01 of the Barnet's Local Plan (Development Management Policies) DPD (September 2012).
3. The proposed storage area for refuse/recycling bins by reason of their siting would be unsightly and detrimental to the visual amenity of the locality and as such would be contrary to policies to the Council's policies CS1 and CS4 of the Barnet's Local Plan (Core Strategy) DPD (September 2012) and Policy DM01 of the Barnet's Local Plan (Development Management Policies) DPD (September 2012).

3. Proposal

The proposal includes the demolition of the existing double garages and the erection of a two storey detached dwellinghouse , including off street parking and associated amenity space.

It would have a width of approximately 4.2m and a depth of 8.7m. It will have a pitched roof with an eaves height of 5m and a ridge height of 8.4m. The kitchen and living room will be located at ground floor level and a bathroom with 2no. bedrooms will be located at the first floor level.

4. Public Consultation

Consultation letters were sent to 68 neighbouring properties.

30 responses have been received, comprising 6 letters of objection and 30 letters of support.

The objections received can be summarised as follows:

- Invasive to the surrounding area
- Create a severe lack of privacy
- Loss of parking for the tenants at 4A and will add to the already over crowded street
- Loss of Garden and shed for 4A Kenerne Drive
- The narrow right of way is only for occupiers of 4A and 4B Kenerne Drive
- Design would be detrimental to the character and appearance of the street scene and visual amenity of the occupiers of neighbours
- Any build higher than the existing garages will block natural light to 4B Kenerne Drive and exacerbate the ongoing damp/mould issues
- Loss of privacy and be overlooked
- 2 keyworkers that are living at 4A and 4B Kenerne Drive whose lives will be affected if this proposed development should go ahead
- Gardens can overwhelm the surface drain and severely impact on the drainage of the rainwater and cause even more flooding to the neighbouring gardens
- Flooding from the garden of this property onto the driveway and gardens of 148 and 146 Mays Lane
- Garages could be described as 'dilapidated', due to the current and past owners' own neglect
- The reference to youths congregating for unsocial activities is also not true. No evidence of this
- Numbering of the 144 - 150 Mays Lane gardens in the Divine Designs' drawings 19 is incorrect and the garage titled 144 Mays Lane Garage is in fact the garage of no.146
- letters of support are from addresses that are not impacted by this proposal, and from residents from adjacent properties

- Cramped and an incongruous form of development on a very restricted site, detrimental to the character and appearance of the area, overbearing and visually obtrusive to the occupiers of 144 - 150 Mays Lane as well as light restricting on others

The supporting representations received can be summarised as follows:

- Provide a decent sized family home for key workers or similar at an affordable price
- Create housing for all those in need but especially younger generations and essential workers
- Marked improvement to the street view and local area
- Addition to high quality new living accommodation
- Reasonable development opportunity on existing Brown Field space
- Existing garages are ugly and out of keeping with the housing
- Benefit the local community
- Create housing for key workers and other hard working local people
- Proposal will be a sustainable and environmentally friendly building
- Design is sensitive to its position and is a marked improvement to the street view
- Overwhelming local support from people for this very reasonable development on a disused and unsightly plot
- Gain another affordable home, neighbouring homes will have the value of their properties go up

Thames Water - No Objections

Highways - No Objection

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 draft New London Plan is at an advanced stage. In December 2019, the Mayor issued the "Intend to Publish" version of the emerging New London Plan. After considering that Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor making a series of eleven Directions to the Plan. The Mayor cannot publish the New London Plan until the Directions have been incorporated, or until alternative changes to policy to address identified concerns have been agreed. Those

policies affected by the Directions carry moderate weight, whilst those with no modifications can carry significant weight."

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 principle of the garage being converted into a residential dwelling is acceptable due the residential character of the area. Furthermore, the delegated report for the previously refused application ref: B/03955/14, has raised no objection to the removal of the existing garages and the use the site for residential purposes.

The principle of the conversion 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'.

Barnet's Local Plan Residential Design Guidance (RDG) emphasises that development needs to recognise local patterns of development. This includes the perimeter block structure, which is characterised by the fronts of buildings facing onto the street and private spaces located at the rear, providing a clear distinction between public and private space. Any development on this site should have due regard to the built form and pattern of development on Kenerne Drive. The pattern of development on this section is predominantly comprised of two storey semi-detached buildings at the front of the road, albeit of differing designs due to various alterations, and private residential gardens to the rear. The properties on this road benefit from comparatively generous gardens and spacing between dwellings.

The proposed dwelling would replace two single storey structures, which are located adjacent to a pair of semi-detached properties at the end of Kenerne Drive (No.4) and would occupy the entire width of the plot, with a marginal set in of approximately 0.2m, from the common boundary on both sides. The dwelling would generally maintain the front building line of other properties on Kenerne Drive properties, with provision of off street parking on the forecourt and amenity space to the rear of the property. However, the surrounding area along Kenerne Drive is characterised by pairs of matching semi-detached properties and terraced properties along Mays Lane. The proposed dwelling by contrast, would introduce an irregular and incongruous form of development into a constrained plot.

A previous application was refused under ref: B/03955/14 , involving the " Demolition of existing garages and erection of a new two storey dwelling house with rooms in roof space." The proposal had an overall depth of 12.8 metres at ground floor level and 10.6 metres at first floor level. A width of approximately 4.7 metres, a height of 5.9 metres to the eaves and a maximum height of 9.1 metres with a pitched roof. The proposed unit would provide a 3 bed 6 person house and will provide 113 square metres of floorspace.

Whilst the current proposal has been reduced in height and depth. The overall bulk of the proposal is still unacceptable and visually intrusive. The introduction of a two-storey dwelling whilst it would have a comparable height to neighbouring properties, given the modest width of the plot and the design would appear cramped and as an incongruous form of development, which is unsympathetic and at odds from this established pattern of development, resulting in material harm to the character and appearance of the area.

The north elevation would be approximately one metre from the semi-detached properties immediately north and would assimilate poorly into the streetscape. The front elevation would have a bland and uninteresting form and would bear little resemblance to the adjoining properties along the street. Overall, it is considered that the proposal by reason of its design and bulk 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 development with the surround buildings.

Impact on Living condition of neighbouring residents

New development should have due regard to the amenity of existing occupiers in neighbouring buildings. Any development, particularly in a constrained site should ensure that the amenities of neighbouring occupiers are respected. The Residential Design Guidance SPD advocates that there should be a distance of 10.5 metres between a new development and a neighbouring garden; careful consideration should be given to the siting of the building on the plot. In addition, any proposal should retain a distance of 21 metres between habitable windows. Due to the siting of the property, and its relationship with the neighbouring properties, it appears to be achievable for the proposal to meet this requirement. It is considered that the proposal would not be detrimental to the amenities of the occupants of these neighbouring properties.

The proposed new building would be sited adjacent to the rear gardens of neighbouring properties at Mays Lane (no.146 to no.150) on one side and 4Kenerne Drive on the other side. Considering that buffer distance between the proposal and these neighbouring properties, it would not appear overbearing or visually intrusive when viewed from these neighbouring properties. Furthermore, no windows are proposed on the flank walls and therefore no issues with regards to overlooking or loss of privacy are envisaged.

The proposed building would introduce some additional views to neighbouring properties from the first floor windows, 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.

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.

Notwithstanding the objection on grounds of character, all residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD (adopted 2016) and the London Plan 2015. The SPD standards for bedrooms require double bedrooms to provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm.

The proposed development, would have 2 single bedrooms. Bedroom 1 would have an area of 9.2sqm and bedroom 2 would have an area of 8.1sqm and would therefore comply with the London Plan standards. It should be noted that all measurements have been taken from measurements that have been annotated on the drawings and not the scale bar, as the scale bar appears to be inaccurate.

The dwelling would have an overall area of approximately 60 sqm. The dwelling comprises of 2 single bedrooms for 2 persons. The required minimum London Plan space standards for 1 bedroom 2 persons over 2 storey is 58sqm. It just about meets this requirement. If the application was deemed to be approved the dwelling would need to lose 1 bedroom to meet the requirements for 1 bedroom 2 persons.

New residential units are expected to provide suitable outlook and light to all habitable rooms whilst not compromising the amenities of neighbouring occupiers. The Council Sustainable Design and Construction SPD stipulates that "the positioning of doors and windows should also be considered and single aspect dwellings should be avoided". The units would generally benefit from suitable outlook to habitable rooms.

With regards to outdoor amenity space, all new residential development is expected to provide suitable, private and useable outdoor amenity space for future occupiers. The proposed unit would benefit from a private garden of approximately 106m², which would meet the space standards for a house (minimum 40sqm). Officers do not raise any objection in this regard.

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 proposal is the demolition of the existing 2x garages existing in the site and the construction of a 2x bed single family dwelling. The applicant is proposing to retain the existing vehicular crossover and provide access to two off-street car parking spaces.

The proposed provision of 2x off-street car parking spaces is in line with requirements set out on Policy DM17 of the Barnet Local Plan and is therefore acceptable on highways grounds.

if the application is minded to be approved, cycle parking and cycle storage facilities should be provided in accordance with the London Borough of Barnet's Local Plan, in the interests of promoting cycling as a mode of transport. The required off-street cycle parking provision for a proposal such as this is 2 spaces.

Refuse and Recycling

Pg.12 of the Design & Access Statement, states that the recycling bins will be stored in the rear gardens and will only be brought out on collection days. However, in the absence of a side access the application will need to clarify how the bins are to be brought to the front for collection.

Pg.16 of the same document, in response to comments for a previous refusal, states that "the bins are to be stored at the rear and brought out through the house on the right of way subject to the freeholder's decision, which is not a planning matter". Whilst it may not be a planning matter, the boundary wall of the properties are very defined and if the application chooses to use the right of way belonging to no.4 Kenerne Drive, notice needs to be served to the owner/occupier of both flats at no.4 and certificate B of the application form needs to be signed. If the correct certificate is not signed, it will invalidate the application.

Therefore, if the application is minded to be approved, clarification to the location of the bins needs to be provided in advance.

5.4 Response to Public Consultation

No.6 objections have been received from the immediate vicinity and no.30 letters of support have been received, most of which are from residents from different wards and not immediate neighbours.

Comments have been mainly addressed within the body of the report. Comments with regard to flooding of gardens and boundary issues are civil disputes and not a material planning consideration.

Officers appreciate the need for key workers accommodation, however a balance should be struck between the need and the desirability of preserving the appearance and character of the street scene.

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 to the previous application (B/03955/14), it is not considered to have overcome the concerns of the LPA in respects of the erosion of the visual gap and cramped for of development which remain unacceptable in terms of character and appearance.

