

Location 1 - 35 Colman Court Christchurch Avenue London N12 0DT

Reference: 21/3715/FUL Received: 6th July 2021
Accepted: 6th July 2021

Ward: Woodhouse Expiry 31st August 2021

Case Officer: Andrew Turner

Applicant: N/A N/A

Proposal: Recladding the existing building in buff brick

OFFICER'S RECOMMENDATION

Approve subject to conditions

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 development hereby permitted shall be carried out in accordance with the following approved plans:

19165-LSI-CC-ZZ-DR-A-1251 Rev P01

19165-LSI-CC-ZZ-DR-A-1250 Rev P01

19165-LSI-CC-ZZ-DR-A-1021 Rev P01

19165-LSI-CC-ZZ-DR-A-1020 Rev P01

19165-LSI-CC-ZZ-DR-A-1022 Rev P01

19165-LSI-CC-ZZ-DR-A-1241 Rev P01

19165-LSI-CC-ZZ-DR-A-1240 Rev P01

19165-LSI-CC-ZZ-DR-A-1242 Rev P01

19165-LSI-CC-00-DR-A-1000 Rev P01

Covering Letter Dated 5 July 2021

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 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy D4 of the London Plan 2021.

- 4 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

Informative(s):

OFFICER'S ASSESSMENT

1. Site Description

The application site is located on the junction of the High Road to the east (A1000) and Christchurch Avenue (to the north).

It is located within the ward of Woodhouse.

The site does not contain any statutory or local listed buildings.

The site is not located within designated conservation area.

Colman Court comprises two buildings - one which faces the High Road to the east (addressed '1 to 14 Colman Court' and a second building which faces Christchurch Avenue to the north (addressed '15 to 35 Colman Court').

This application relates to both buildings.

2. Relevant Planning History

Reference: 21/1705/PNV

Address: Colman Court, Christchurch Avenue, London, N12 0DT

Decision: Prior Approval Required and Refused

Decision Date: 28 May 2021

Description: Two additional storeys to provide 6 no. self-contained flats, and associated works including lift and staircase [AMENDED DESCRIPTION]

Reasons for refusal:

Prior approval is refused by virtue of Part 20, Class A, Paras A.2(1)(e) and B(15)(b) of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as the external appearance of the building, by reason of the proposed development's design and massing, which would detract from, and fail to integrate effectively with, the design of the existing building.

The application is therefore considered unacceptable and contrary the National Planning Policy Framework (2019); in addition to Policy CS5 of Barnet's Core Strategy DPD (2012), Policy DM01 of Barnet's Development Management Policies Document DPD (2012) and

Barnet's Residential Design Guidance SPD (2016).

Prior approval is refused by virtue of Part 20, Class A, Paras A.2(1)(g) and B(15)(b) of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) by reason that the applicant has failed to demonstrate that the development would not detrimentally impact the amenity of the existing building and neighbouring premises at No. 661 High Road, in terms of loss of light.

The application is therefore considered unacceptable and contrary to Paragraph 127(f) of the National Planning Policy Framework (2019); in addition to Policy CS5 of Barnet's Core Strategy DPD (2012), Policy DM01 of Barnet's Development Management Policies Document DPD (2012) and Barnet's Residential Design Guidance SPD (2016).

It should be noted that each planning application is considered on their own merits.

Reference: F/03223/08

Address: Colman Court, Christchurch Avenue, London, N12 0DT

Decision: Refused

Decision Date: 24 October 2008

Description: Proposed extension of existing 2 blocks of apartments to form 8 eco-flats, 12 car parking spaces accessed off High Road N12. Any associated landscaping, and enhanced thermal performance of existing apartments by addition of high performance roofs.

3. Proposal

This application seeks planning permission for the recladding the existing buildings in buff brick.

4. Public Consultation

Consultation letters were sent to 126 neighbouring properties. Six objections were raised in the consultation period. They can be summarised below:

The application has been done for cosmetic reasons not safety reasons.

The cost will be billed to the leaseholders and the complainant is not happy to pay. This money can be better spent on the grounds of Colman Court to enhance the appearance, trees can be planted, a fence put up or a few benches, so the residents can sit and enjoy where we live.

The reasonability for structure defects should lie with the buildings owner.

The leaseholders should have the biggest say on whether our building requires this cladding or not.

Character and appearance is subjective. Uniformity of buildings is not always preferable and the current arrangement with the 1960s appearance may be preferable to leaseholders and residents.

The existing thermal performance of the brickwork performs well and there are already

existing cavities.

The application is meant to pave the way for the applicant to progress the planned works under application number 21/1705/PNV (addition of 2 new floors with 6 new self-contained flats on top of existing blocks containing flats 1-14 Colman court). The prior approval was refused.

The management company cannot resolve actual meaningful issues at Colman Court such as the overflow of rubbish, showing a lack of property management. Efforts should be placed on actual issues and solutions such as improvements to the grounds or insulated doors, not cosmetic work to make the building more likely for future building approval.

The application states the re-cladding will improve the look and heat loss, yet there is no evidence that this work is needed at this moment in time.

There is no thermographic inspection to show the actual loss of heat and if this type of brick will be the most energy-efficient, and make a substantial impact or savings.

The main reason for the cosmetic improvements is not enough to justify the impact to local residents at Colman Court, and the surrounding area from the noise of the construction.

Environmental Health: No objection. Nuisance unlikely if works carried out during standard construction hours.

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 20th July 2021. 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 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous 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 Draft Local Plan 19 - Publication was approved for consultation on 16th June 2021. The Reg 19 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It is Barnet's draft 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 the policies and site proposals in the draft Local Plan.

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, semidetached 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.

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 in this case are considered to be covered under two main areas:

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

Impact on the character and appearance of the property and general locality (Principle):

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, CS05 (both of the Barnet Local Plan), D1, D4 (both of the London Plan).

Policy DM01 requires that all proposals should represent high quality design which demonstrates high levels of environmental awareness and contributes to climate change mitigation and adaptation. Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

It is noted that the proposal looks to reclad the existing building in buff brick to make it more in line with the design of other buildings in the surrounding area, thus enhancing the character of the area from an aesthetic point of view. It is noted that the existing subject apartment blocks have their own unique character and are representative of the 1960s architecture reflecting when they were built. However, it is noted that the property is not locally or statutorily listed and is not in a conservation area. Therefore, in strict planning terms the original architectural character of building cannot be used as a reason to preserve its character if the proposal seeks to bring the buildings more in line with the architectural appearance and design of the surrounding area.

The proposal is not seeking to increase the bulk or massing of the apartment blocks in any material way thus would not impact the character of the area in this regard.

Therefore, it is considered that the proposal would bring the apartment blocks more in line with the character of the surrounding area, enhancing the character of the surrounding area and is compliant with DM01.

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 D4 and D5 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 proposal buffed brick is considered to represent a high standard of development and finish and would not increase the bulk or massing of the apartment blocks in any material way thus not impact the visual or residential amenity of neighbours properties.

Therefore, it is considered that the extension would have an acceptable impact on the residential amenity of neighbouring occupiers, complying with DM01.

5.4 Response to Public Consultation

The application has been done for cosmetic reasons not safety reasons.

Response: changing the appearance of a building for cosmetic reasons is not a reason to refuse the planning application.

The cost will be billed to the leaseholders and the complainant is not happy to pay. This money can be better spent on the grounds of Colman Court to enhance the appearance, trees can be planted, a fence put up or a few benches, so the residents can sit and enjoy where we live.

Response: the equity of the cost of a planning application on leaseholders is not a material planning consideration.

The reasonability for structure defects should lie with the buildings owner.

Response: the responsibility for repair of structural defects is not a material planning consideration.

The leaseholders should have the biggest say on whether our building requires this cladding or not.

Response: this is a matter between the leaseholders and the freeholder

Character and appearance is subjective. Uniformity of buildings is not always preferable and the current arrangement with the 1960s appearance may be preferable to leaseholders and residents.

Response: this was covered in the body of the report. The preferences on aesthetics of certain stakeholders cannot prohibit the appearance of a building being changed if the proposal is compliant with planning policy .

The existing thermal performance of the brickwork performs well and there are already existing cavities.

Response: the thermal performance of a building and environmental performance of a building, whilst being a material consideration, was not considered to be reason for refusal in this instance.

The application is meant to pave the way for the applicant to progress the planned works under application number 21/1705/PNV (addition of 2 new floors with 6 new self-contained flats on top of existing blocks containing flats 1-14 Colman court). The prior approval was refused.

Response: each application should be considered on its own merits.

The management company cannot resolve actual meaningful issues at Colman Court such

as the overflow of rubbish, showing a lack of property management. Efforts should be placed on actual issues and solutions such as improvements to the grounds or insulated doors, not cosmetic work to make the building more likely for future building approval.

Response: these are not planning considerations.

The application states the re-cladding will improve the look and heat loss, yet there is no evidence that this work is needed at this moment in time.

Response: the thermal performance of a building and environmental performance of a building, whilst being a material consideration, was not considered to be reason for refusal in this instance.

There is no thermographic inspection to show the actual loss of heat and if this type of brick will be the most energy-efficient, and make a substantial impact or savings.

Response: the thermal performance of a building and environmental performance of a building, whilst being a material consideration, was not considered to be reason for refusal in this instance.

The main reason for the cosmetic improvements is not enough to justify the impact to local residents at Colman Court, and the surrounding area from the noise of the construction.

Environment health were consulted and raised no objection on noise grounds as long as they stick within the legal national working hours for construction works as controlled under environmental health legislation.

6. Equality and Diversity Issues

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our 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.

