

Location	228-232 Hale Lane Edgware HA8 9PZ	
Reference:	21/0275/FUL	Received: 19th January 2021 Accepted: 20th January 2021
Ward:	Hale	Expiry 17th March 2021
Case Officer:	Wilf Foster	
Applicant:	Rabbi Zalman Sudak	
Proposal:	Rebuilding of the existing front wall and installation of new pedestrian and vehicular access gates with associated railings Installation of a floodlight pole and two CCTV poles to replace existing	

OFFICER'S 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 front boundary treatment, by reason of its excessive scale and unsympathetic appearance, would have an unacceptable enclosing and overbearing impact on the streetscene and be out of character in a road characterised by relatively open frontages. As such the proposal would be detrimental to the streetscene and local character, contrary to Policies CS NPPF, CS1 and CS5 of the Barnet's Adopted Core Strategy (2012) and Policy DM01 of the Adopted Development Management Policies DPD (2012).

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 (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.

2 The plans accompanying this application are:

Drawings: 7318-PL-LP; 7318-PL01; 7318-PL03; 04214.01-5000-01 (Sheets 1-6); BC/002063-03_SC_100-01.

Design and Access Statement, p-ad, January 2021.

Consultation letter, London Borough of Barnet, 11 November 2021.

OFFICER'S ASSESSMENT

1. Site Description

The application site comprises a detached property located along Hale Lane; situated in the ward of Hale. The road is mainly residential in character although there is a mixture of uses along the road. The applicant's submission states that "the site as a whole is used as a children's nursery and for other community purposes for the local community".

The property is not listed and it does not lie within a conservation area.

2. Relevant Site History

Reference: 17/6678/HSE

Address: 228 Hale Lane Edgware HA8 9PZ

Decision: Approved subject to conditions

Decision date: 19.12.2017

Proposal: Roof extension involving rear dormer window, 3no. rooflights to front elevation, 4no. rooflights to each side elevation to facilitate a loft conversion. New crown roof

3. Proposal

The application proposes "Rebuilding of the existing front wall and installation of new pedestrian and vehicular access gates with associated railings. Installation of a floodlight pole and two CCTV poles to replace existing".

4. Public Consultation

A site notice was erected on 28 January 2021. Consultation letters were sent to 66

neighbouring properties. A total of 23 responses were received in support of the proposed development.

5. Planning Considerations

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 20 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, 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 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.

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 development as set out in Policy DM01 is to minimise the 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 22) 2021

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. 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 and the stage that it has reached.

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.

Residential Design Guidance SPD (adopted October 2016)

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 site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the local highways network and parking.

5.3 Assessment of proposals

Impact on character and appearance of the existing site, street scene and surrounding area:

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that 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.

Ground levels fall from east to west on Hale Lane. Frontages on Hale Lane within the vicinity of the site generally consist of open driveways and low brick walls. This gives an open character to the surrounding area. The site benefits from an existing front and side boundary treatment consisting of a wall measuring approx. 0.8 metres in height and black metal gates of a similar height. The existing plans also show a section of brick wall with railings to the front of No. 228 which measures approx. 1.5 metres in height; however, this appears to be a recent addition and does not appear to benefit from planning permission. As such, this element is not considered to be a lawful form of development and is accordingly given little weight.

The proposal involves the replacement of the existing front and side boundary treatment with a new boundary treatment consisting of a low brick wall, black metal railings above, and black metal pedestrian and vehicular gates. The overall height of the proposed boundary treatment varies slightly given the sloping ground levels, but has an average height of approx. 2 metres. This is significantly higher than other front boundary treatments within the surrounding area. Additionally, the black metal railings and gates are considered to be an incongruous, obtrusive, and overbearing form of development. The proposed boundary treatment would have a substantial enclosing impact on the street that would be incongruous and detrimental to the streetscene. It would be contrary to the established character of relatively open frontages and would set a harmful precedent for higher and more overbearing front boundary treatments on Hale Lane.

The proposals also include the erection of 1no 3-metre floodlight pole and 2no 4-metre CCTV poles to the frontage of the site. It is noted that these would replace the 3no existing

floodlight poles, which measure between 3 and 5 metres in height. Although it is not clear if the existing poles benefit from planning consent, they appear to have been existing for more than 4 years and therefore are deemed to be exempt from enforcement action. The proposed replacement poles would not be higher than the existing poles and therefore, on balance, it is not considered that they would have an unacceptable impact on the local character.

For the above reasons, the proposed development is considered to be harmful to the streetscene and local character. As such, the proposals are contrary to Policy DM01 of Barnet's Development Management Policies Document DPD (2012).

Impact on amenity of neighbouring occupiers:

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The proposed boundary treatment would enclose each side of the site. It has a height of approx. 2 metres adjacent to the neighbouring property at No. 234. Given its siting on the side boundary of the property and not fronting the highway, this would be in accordance with the height of a boundary treatment permissible under permitted development. Therefore, this would not be considered to have an unacceptable impact on the neighbouring occupiers.

The proposed boundary treatment has a height of approx. 2.8 metres adjacent to the neighbouring property at No. 226. However, there is a significant change in levels between the two properties and therefore this would be closer to 2 metres as measured from the neighbouring property side. Additionally, it is noted that a relatively high hedgerow already forms the boundary treatment on this side. On balance, the proposed development is not considered to result in an unacceptable overbearing impact to the neighbouring property.

Other matters:

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies is set out in Section 149 of the Act. The duty requires the Council to pay regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

Equality duties require Authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different equality groups. It is an opportunity to ensure better decisions are made based on robust evidence.

Section 149 of the Act states that:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to-
 - (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- (2) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-
- (a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different to the needs of persons who do not share it;
 - (c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- (3) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular steps to take account of disabled persons' disabilities.
- (4) Having due regard to the need to foster good relations between persons who share relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-
- (a) Tackle prejudice, and
 - (b) Promote understanding
- (5) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.
- (6) The relevant protected characteristics are-
- Age;
 - Disability
 - Gender reassignment
 - Pregnancy and maternity
 - Race
 - Religion or belief
 - Sex
 - Sexual orientation

S149 (5) of the Act requires that the Council have due regard to the need to:-

- '(5) having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:-
- (a) Tackle prejudice and
 - (b) Promote understanding'

In determining this planning application the Local Planning Authority must have due regard to the equalities impacts of the proposed redevelopment of the site on those persons protected under the Equality Act 2010. This Act requires the Local Planning Authority to demonstrate that any decision it makes is reached in a fair, transparent or accountable way considering the needs and rights of different members of the community.

It is noted that the proposed development would provide additional security for the religious facility at Nos. 228-232 Hale Lane and as such would some benefit people within a protected group (religion or belief). However, this must be assessed as part of a planning balance against the other impacts of the proposed development. In this instance, as discussed above, the proposed development is considered to result in substantial harm to the character of the surrounding area. It is considered to adequate security for the site

could be provided without resulting in this extent of harm. On balance, officers do not consider that the benefits of the proposal would outweigh the identified harm and therefore it is considered that the proposals would be unacceptable and contrary to the aims of the Local Plan.

5.4 Response to Public Consultation

N/A.

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.

Equality and diversity issues are elaborated on in more detail above.

7. Conclusion

Having taken all material considerations into account, it is considered that proposed development would have an unacceptable impact on the streetscene and local character. This harm is not considered to be outweighed by any public benefits of the proposed development. As such, officers consider that the proposals would be contrary to planning policy including Policy DM01 of the Local Plan. This application is therefore recommended for refusal.

