

Location	16 Danescroft Gardens London NW4 2ND		
Reference:	22/0067/HSE	Received:	7th January 2022
		Accepted:	10th January 2022
Ward:	Hendon	Expiry	7th March 2022
Case Officer:	Radhika Bedi		
Applicant:	R Bloom		
Proposal:	Erection of acoustic boundary wall to replace existing boundary fence		

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 acoustic boundary wall, by reason of its scale, siting, design and excessive height, would result in a disproportionate and unsympathetic addition that would appear visually obtrusive and highly incongruous to the established pattern of development, to the detriment of the character and appearance of the host property and wider locality, contrary to Policy D3 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policy DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Residential Design Guidance SPD (2016).

- 2 The proposed acoustic boundary wall, by reason of its scale, siting, design and excessive height, would appear as visually obtrusive in the outlook from habitable rooms and garden of the host property, appearing as overbearing and harmfully increasing the corresponding sense of enclosure, to the detriment of the residential amenities of future occupiers, contrary to Policy D3 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policies DM01 and DM02 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Sustainable Design and Construction SPD (2016).

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. 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.

- 2 The plans accompanying this application are:

Site Location Plan

Drg No GA 04 01-Rev A - Existing Front Elevation

Drg No GA 04 02-Rev A - Existing Rear Elevation

Drg No GA 04 03-Rev A - Existing Side Elevations

Drg No GA 01 01-Rev A - Existing Site Plan

Drg No GA 03 01-Rev A - Proposed Site Plan

Drg No GA 05 01-Rev D - Proposed Front Elevation

Drg No GA 05 02-Rev A - Proposed Rear Elevation

Drg No GA 05 03-Rev A - Proposed Side Elevations

Covering Letter

OFFICER'S ASSESSMENT

The application has been called in by Councillor Shooter for the following reason:

The application is perfectly in character with the surrounding area, and prevents overlooking from the school, and the wall will provide privacy for both the school and the applicant.

1. Site Description

The application site is a detached dwelling located on 16 Danescroft Gardens, the area is characterised by large detached dwellings with amenity space and off-street parking. The host property's amenity space is sited adjacent to the host dwelling rather than toward the rear of the property due to its particular siting immediately adjacent to the boundary with the Talmud Torah Tiferes Shlomo Boys School. The property is not listed and does not fall within a conservation area. There are no protected trees on site.

2. Relevant Site History

Reference: 21/3799/HSE

Address: 16 Danescroft Gardens, London, NW4 2ND

Decision: Refused

Decision Date: 21 December 2021

Description: Erection of acoustic boundary wall

Reasons for refusal:

1. The proposed acoustic boundary wall, by reason of its scale, siting, design and excessive height, would result in a disproportionate and unsympathetic addition that would appear visually obtrusive and highly incongruous to the established pattern of development, to the detriment of the character and appearance of the host property and wider locality, contrary to Policy D3 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policy DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Residential Design Guidance SPD (2016)
2. The proposed acoustic boundary wall, by reason of its scale, siting, design and excessive height, would appear as visually obtrusive in the outlook from habitable rooms and garden of the host property, appearing as overbearing and harmfully increasing the corresponding sense of enclosure, to the detriment of the residential amenities of future occupiers, contrary to Policy D3 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policies DM01 and DM02 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Sustainable Design and Construction SPD (2016)

Reference: H/02964/12

Address: 16 Danescroft Gardens, London, NW4 2ND

Decision: Approved subject to conditions

Decision Date: 10 October 2012

Description: Variation of condition 1 (Plans numbers) for planning application H/00651/12 dated 16/05/12 for Erection of new two-storey single family dwelling, including rooms in

roofspace, following demolition of existing house. Amendments include extension to the proposed roof, lowering of flat roof and extra roof lights.

Reference: H/02085/12

Address: 16 Danescroft Gardens, London, NW4 2ND

Decision: Withdrawn

Decision Date: 26 July 2012

Description: Removal of condition 18 (Details of temporary Tree Protection) of planning permission H/03706/11 dated 04/11/11 for 'Erection of new two-storey single family dwelling, including rooms in roof space, following demolition of existing house.', , Amendments to include (To remove Trees T1-T3, as are inappropriate for their location and would not survive the development activities.

Reference: H/01171/12

Address: 16 Danescroft Gardens, London, NW4 2ND

Decision: Approved subject to conditions

Decision Date: 13 August 2012

Description: Submission of details of Condition No.5 (Levels); No.6 (Materials); No.8 (Refuse); No.12 (Extraction & Ventilation equipment); No.14 (Hard and Soft Landscaping); and No.19 (Demolition & Construction Management Plan) pursuant to planning permission Ref: H/00651/12 dated: 16/5/12.

Reference: H/00651/12

Address: 16 Danescroft Gardens, London, NW4 2ND

Decision: Approved subject to conditions

Decision Date: 16 May 2012

Description: Variation of condition 1 (Plan numbers) pursuant to planning permission H/03706/11 dated 04/11/11 for 'Erection of new two-storey single family dwelling, including rooms in roofspace, following demolition of existing house.' , , Amendments to include alterations and insertion of fenestration; increase in height of single storey element and single storey rear infill extension.

Reference: H/02755/11

Address: 16 Danescroft Gardens, London, NW4 2ND

Decision: Withdrawn

Decision Date: 26 August 2011

Description: Erection of new two-storey single family dwelling, including rooms in roofspace, following demolition of existing house.

Reference: H/03706/11

Address: 16 Danescroft Gardens, London, NW4 2ND

Decision: Approved subject to conditions

Decision Date: 4 November 2011

Description: Erection of new two-storey single family dwelling, including rooms in roofspace, following demolition of existing house.

Reference: H/00784/10

Address: 16 Danescroft Gardens, London, NW4 2ND

Decision: Refused

Decision Date: 25 May 2010

Description: Demolition of existing house and part-demolition of Synagogue followed by erection of 3no detached houses including new access road, parking and associated landscaping.

3. Proposal

The application seeks planning permission for the erection of an acoustic boundary wall.

The proposed wall would span across the entire rear boundary of the site, with a maximum height of 7 metres, with a width of 36.6 metres. This lowers to 4.8 metres along the boundaries not adjacent to the school, further lowering to 2.6 metres.

4. Public Consultation

Consultation letters were sent to 29no neighbouring properties. No comments have been received throughout the consultation period.

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.

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, CS4, CS5,
Relevant Development Management Policies: DM01.

Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents 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 and the stage that it has reached.

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:

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

5.3 Assessment of proposals

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

Any proposed 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, CS5 (both of the Barnet Local Plan) and D3 (of the London Plan).

Proposals for new or replacement fences, walls or other means of enclosure will be considered in terms of their impact on residential amenity, highway safety and in particular the visual character of the surrounding area. Domestic means of enclosure are a prominent feature within residential streets. They define residential boundaries and contribute to the quality and character of the street scene. Any development proposal should as far as practicable retain as much as possible of existing characteristic boundary treatments and/or re-create the predominant type of boundary treatment.

The proposed acoustic boundary wall would represent a two-storey wall with a maximum height of 7 metres, spanning across the entire boundary adjacent to the school, reducing to 4.8 metres and then 2.6 metres along the remaining side elevations of the property.

It is noted that the previous application, which was refused, proposed a boundary with a maximum height of 9m and whilst the reductions have sought to address the previous objection, it is not considered that the current scheme has overcome the grounds for refusal. The acoustic wall now proposed is 2m lower than the previous proposal and includes several reductions in height, with the lowest point at a height of 2.6m. It is proposed to be painted white, which the applicants have specified is intended to mimic the façade of a building.

Nonetheless, officers consider that the boundary wall would still be highly visible from the street scene and would be domineering and visually obtrusive due to its proposed height, siting and design. At the highest point, the acoustic wall would match the height of the eaves of the property and would be at least 1.2m taller than the existing fence abutting the school. Compared to the existing front fence, the proposed acoustic wall would be at least 2.3m higher. No property in the area benefits from a similar proposal - even those which abut the school site - and would appear disproportionate and highly incongruous to the surrounding pattern of development.

For the reasons above, it is not considered that the scheme has overcome the previous reason for refusal and would therefore be contrary to the expectations of Policy DM01.

- Whether harm would be caused to the living conditions of occupiers of the host property;

Notwithstanding the intention to provide acoustic relief from the adjoining school, which would be beneficial for the occupiers of the property, officers consider that the proposed wall would significantly compromise the outlook from the habitable room at first floor level identified as Bedroom 3 in the plans approved under grant of consent H/02964/12 for the erection of the host property. It would also appear as significantly visually obtrusive in the outlook from the room identified as the kitchen (a habitable room with regard to the definition in the Glossary to the Sustainable Design and Construction SPD) and from within the rear garden - appearing objectively overbearing and markedly increasing the corresponding

sense of enclosure. It is not considered that the changes compared to the previous scheme, have overcome the second reason for refusal.

The supporting information indicates that glazed sections of the wall would be included in front of the windows including those of bedroom 3, however this would still amount in a closely sited enclosure to this room. Furthermore, the previous concern regarding the impact to the kitchen remains; the wall would result in an increased sense of enclosure.

All such factors would result in detrimental harm to the residential amenities of neighbouring occupiers, contrary to the expectations of Policy DM01 and DM02.

- Whether harm would be caused to the living conditions of neighbouring residents;

The proposal is not considered to have any impact on the living conditions of any neighbouring properties, as there are no immediate residential dwellings to the rear. Its narrow profile is not considered to give rise to any unacceptable detriment to the outlook from properties to either side and the existing mature trees would further mitigate that impact.

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.

7. Conclusion

Having taken all material considerations into account, the proposed development is considered to be markedly detrimental to the character and appearance of the street scene and to the residential amenity of future occupiers. Therefore, the application is recommended for REFUSAL.

8. Conditions should the application be allowed at appeal

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

Site Location Plan

Drg No GA 04 01-Rev A - Existing Front Elevation

Drg No GA 04 02-Rev A - Existing Rear Elevation

Drg No GA 04 03-Rev A - Existing Side Elevations

Drg No GA 01 01-Rev A - Existing Site Plan

Drg No GA 03 01-Rev A - Proposed Site Plan

Drg No GA 05 01-Rev D - Proposed Front Elevation
Drg No GA 05 02-Rev A - Proposed Rear Elevation
Drg No GA 05 03-Rev A - Proposed Side Elevations
Covering Letter

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. a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.

b) The details approved by this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policies D13 and D14 of the London Plan 2021.

