Location	Dental Surgery 150 Broadfields Avenue Edgware HA8 8SS			
Reference:	21/6150/FUL		23rd November 2021 23rd November 2021	
Ward:	Edgware	Expiry:	18th January 2022	
Case Officer:	Helen McGuinness			
Applicant:	Dr Wayne Hirschowitz			
Proposal:	Change of use from a dwelling-house (Use Class C3) to a dental surgery (Use Class E) and retrospective approval of a rear cabin, AC units and cladding to the front of the existing practice. (AMENDED DESCRIPTION)			

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 change of use to a Dental Surgery would result in the loss of residential accommodation without sufficient demonstration of need or evidence that the demand for the proposed use cannot adequately be met elsewhere and is in line with other policies, contrary to Policy DM07 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012)
- 2 The rear cabin extension, by virtue of its design, materials, siting, excessive depth and extensive footprint, appears as an incongruous form of development and, taken together with the existing extensions to the original dwelling, would represent a cumulative over-development that would fail to respect the pattern of surrounding buildings and spaces, to the detriment of the character and appearance of the host property and surrounding area, contrary to Policies D1, D3 and D4 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet: Core Strategy (2012) and Policy DM01 of the LB Barnet: Development Management Policies DPD (2012)

- 3 The cladding to the front elevation of the building, by virtue of its design and materials, results in a highly incongruous and unsympathetic intervention, to the detriment of the character and appearance of the host property, street scene and surrounding area, contrary to Policy D3 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet: Core Strategy (2012) and Policy DM01 of the LB Barnet: Development Management Policies DPD (2012)
- 4 The change of use of the dwelling and intensification of the use of the property as a dental surgery would result in a heighted level of coming-and-going and associated activity at the site and resultant noise and disturbance to neighbouring occupiers, in particular at No. 148 Broadfields Avenue, detrimental to their residential amenity and contrary to Policy D3 and D14 of the London Plan 2021, Policies CS1 and CS5 of the LB Barnet: Core Strategy (2012), Policies DM01 and DM04 of the LB Barnet: Development Management Policies DPD (2012) and the Sustainable Design and Construction SPD 2016
- 5 Insufficient information has been provided to establish that the air conditioning units, by virtue of their number and siting and the resultant noise, would not give rise to an unacceptable adverse impact on the adjoining dwellinghouse at No. 148 Broadfields Avenue, to the detriment of the residential amenities of neighbouring occupiers, contrary to Policies D3 and D14 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet: Core Strategy (2012), Policies DM01 and DM04 of the LB Barnet: Development Management Policies DPD (2012) and the Sustainable Design and Construction SPD 2016

Informative(s):

1 The plans/documents submitted with this application are as follows;

Site Location Plan 002 00 003 00 004 00 Planning, Design and Access Statement Nove 2021- Lichfields

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 preapplication 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 application has been brought to Committee at the request of Cllr Wardle for the following reason:

The proposed development is in line with parts a, b and c of Barnet Development Management Policy DM07 (and draft Policy HOU05). The application will help address the shortfall of primary dental care facilities thereby meeting the requirements of draft Barnet Local Plan Policy CHW01.

The application in my view also accords with the Barnet Policy CS10.

Overall the application is providing an essential and much needed public service to the residents of Edgware. The success of this application will also enable the practice to take NHS patients. Furthermore, I do not consider the rear cabin as having any negative impact to the street scene or neighbouring amenity and overall the benefits of this proposal outweigh other considerations.

1. Site Description

The application site is located on the eastern side of Broadfields Avenue in close junction with Bullescroft Road and Glengall Road, within the Edgware ward.

The site is occupied by a two-storey detached dwelling which is currently in residential (class C3) use. It has the benefit of a side extension which received consent to be used as a Dental surgery (class D1).

The site also previously had the benefit of ancillary outbuildings which have been replaced with an unauthorised single storey cabin-style extension to the rear of the building. Two parking bays exist to the front of the building which provides parking space.

The wider area is predominantly residential in character and is not located within a Town Centre.

The property is set back from road with a modest forecourt and rear garden. It is not within a conservation area and is not a statutory or locally listed building. Furthermore, there are no Tree Preservation Orders on site.

2. Site History

Reference: W01253 Address: 150 Broadfields Avenue, Edgware, HA8 8SS Decision: Approved subject to conditions Decision Date: 12 June 1967 Description: Garage. Reference: W01253A Address: 150 Broadfields Avenue, Edgware, HA8 8SS Decision: Approved subject to conditions Decision Date: 21 May 1986 Description: Single-storey side extension.

Reference: W01253B Address: 150 Broadfields Avenue, Edgware, HA8 8SS Decision: Approved subject to conditions Decision Date: 9 November 1988 Description: Conversion of existing garage into reception area and W.C., formation of one additional surgery and erection of lobby at front.

Reference: W01253C Address: 150 Broadfields Avenue, Edgware, HA8 8SS Decision: Approved subject to conditions Decision Date: 20 November 1990 Description: Single-storey rear extension

Reference: W01253E Address: 150 Broadfields Avenue, Edgware, HA8 8SS Decision: Refused Decision Date: 15 August 1997 Description: First floor side extension - amended roof profile to planning permission W01255D approved 18th June 1994.

Reference: W01253F Address: 150 Broadfields Avenue, Edgware, HA8 8SS Decision: Approved subject to conditions Decision Date: 11 October 1999 Description: First floor extension.

Reference: W01253D Address: 150 Broadfields Avenue, Edgware, HA8 8SS Decision: Approved subject to conditions Decision Date: 22 June 1994 Description: First floor side extension.

Reference: 21/8362/QCD Address: Dental Surgery, 150 Broadfields Avenue, Edgware, HA8 8SS Decision: Pre-application advice issued Decision Date: 3 November 2021 Description: Change of use of the residential unit adjoining the existing dental surgery into an expanded dental surgery at ground and first floor level

3. Proposal

Change of use from a dwelling-house (Use Class C3) to a dental surgery (Use Class E) and retrospective approval of a rear cabin, AC units and cladding to the front of the existing practice.

The Dental surgery will operate during the following hours;

Monday	8.30am - 5.30pm	
Tuesday	8.30am - 5.30pm	
Wednesday	8.30am - 7.00pm	
Thursday	8.30am - 5.30pm	
Friday	8.30am - 3.00pm	
Saturday	Closed	
Sunday	Closed	

The practice will allow for a maximum of 9 patients on site at any one time.

The rear cabin is single storey and projects from the recessed elevation abutting the flank wall of rear projection. It measures 5.9m in width and 8.4m in depth (including the courtyard) when measured from the rear elevation. It has a flat roof and measures 2.6m in height.

The design of the cabin is such that it creates 2no. courtyards approximately (2m x 1.7m) on either side of a projection that connects the main building to the rear cabin.

The air conditioning units are located to the rear elevation of the cabin.

4. Public Consultation

Consultation letters were sent to 37 neighbouring properties.

248 responses have been received, comprising 247 letters of support and 1 letter of objection.

The letter of objection can be summarised as follows;

- Highways and car parking concerns
- Undesirable design considerations for existing surgery. i.e., wooden cladding
- Design of building is out of character with surrounding area

The letters of support can be summarised as follows;

- The proposal provides a much-needed service to the local community
- The design of the building is visually appealing in comparison to the surrounding area

- Advantageous location that allows nearby residents to avail of quality dental services

- The ability to expand the clinic will not impact surrounding area, it will enhance it, modernising the building with eco-friendly cladding.

- more dental facilities exist in converted properties

- The practice has been operating in the location for years, the proposal seeks to improve these services

- There is ample parking in the area to accommodate the proposal
- The proposal will improve the area and make the area a more attractive place to live
- The expansion of the existing practice would ease pressure on surrounding services
- Excellent transport links to the practice
- The services are needed in the area

Internal Consultees

Highways officer comments are summarised below:

Car Parking

The applicant is proposing to retain the existing 2x off-streetcar parking spaces.

Vehicular Access

The existing vehicular access is proposed to be retained as existing.

Refuse

Refuse collection arrangements are proposed to be retained as existing, however the location of the refuse store has not been shown on the proposed drawing. The applicant is advised that this must be provided.

Cycle

Cycle parking has not been demonstrated on proposed plans. This must be provided in line with London Plan Cycle Parking Standards.

Recommendation

- o Refuse storage details required
- o Cycle Parking provision details required

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 National Planning Policy Framework (NPPF) was amended 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 London 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 for the next 20-25 years. 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.

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, CS9, CS10, CS15.
Relevant Development Management Policies: DM01, DM02, DM04, DM07, DM08, DM13, 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.

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:

- Principle of development

- 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 neighbouring residents;

- Whether the scheme would result in parking and highways issues;

5.3 Assessment

Principle of development

Policy DM07 seeks the protection of housing, the Local Plan Development Management Policies DPD specifies:

Loss of residential accommodation will not be permitted unless:

a. the proposed use is for a local facility (children's nursery, educational or health use) provided that it is not detrimental to residential amenity and;

b. where need can be demonstrated and;

c. the demand for the proposed use cannot adequately be met elsewhere and is in line with other policies

or;

d. the location is no longer environmentally suitable and viable for residential use or;

e. it involves identified regeneration areas with large scale demolition of housing and estates which provides for the net replacement of the total residential units.

Policy DM13: Community and education uses specifies:

a: Loss of community or educational use

Loss of community or educational use will only be acceptable in exceptional circumstances where:

i. New community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location; or

ii. There is no demand for continued community or education use, and that the site has been marketed effectively for such use.

New community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety. New community or educational uses will be expected to protect the amenity of residential properties.

The property benefits planning consent for the 'Conversion of existing garage into reception area and W.C., formation of one additional surgery and erection of lobby at front' via ref.

W01253B. Therefore, the principle of D1 (now class E) use has been established in this element of the application at site.

The proposal involves extending the dental practice to the attached residential dwelling. What is proposed now is a new employment venture to provide a future flexible use within the newly created Class E. If the application follows an approval, a condition will be put in place restricting the use to a specific use within this class. E.g., Class E (e) (dental practice).

However, with regards to the loss of the residential use, policy DM07 seeks to protect housing in Barnet. In that respect the loss of existing housing will normally be resisted. The proposal is to expand the existing D1 use across the building, which involves the change of use from C3 residential use to class E (former D1 Dental use). Although it is appreciated that the dwelling is not currently occupied, it is still in residential use.

The applicant has not provided sufficient evidence to suggest that the site is no longer suitable or viable for residential use in accordance with section d) of the policy. Furthermore, the site is not part of a wider regeneration scheme and therefore fails against section e) of the policy.

The applicant has not demonstrated that the proposed dental practice expansion cannot be accommodated elsewhere, in accordance with section c) of the policy. The sequential test as supplied does not fully substantiate the following points:

- "The expansion of the surgery is needed to meet the urgent need for more dental care services in this area, in response to a shortage of existing provision and an increasing demand."

- "It is acknowledged that there may be vacant premises or sites located in Edgware town centre that may be available for a new dental surgery. However, these sites and premises would not meet the needs that this proposal is seeking to provide for."

- "It is not practical or a viable option to make this investment within a satellite operation in the town centre, nor is it practical or viable to relocate the whole practice to a town centre premise or site."

Therefore, the applicant has provided insufficient information in justifying the loss of the residential unit contrary to DM07, therefore officers consider the principle of the proposed development unacceptable.

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

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

Barnet's Residential Design Guidance SPD stipulates that a depth of 4m for single storey rear extensions on a detached property is normally considered to be acceptable.

Any development on this site should have due regard to the built form and pattern of development along Broadfields Avenue. The pattern of development on this section is predominantly comprised of two storey semi-detached and detached buildings at the front of the road, albeit of differing designs due to various alterations and private residential

gardens to the rear.

Rear Cabin extension:

It is noted that some of the properties benefit from extensions that vary in size, however they appear to be subordinate to the main dwelling. In addition, some of the properties also benefit from ancillary structures to the rear which are used in conjunction with the main residential dwellings. These structures are set away from the rear elevation of the main dwelling.

The proposal involves the retention of the rear cabin. It has replaced 2no. single storey structures, which were located to the rear of the building adjacent to neighbouring property at no.148, in approximately the same location.

Whilst the cabin is single storey and has a comparable height to what existed, it occupies a larger footprint, and the cumulative extensions are considered disproportionate to the scale of the original dwelling. It is noted that the design involves 2no. courtyards on either side of a projection, (retaining a depth of approximately 2m between the two walls) that connects the existing dental practice to the rear cabin, which allows for some buffer between the rear elevation and the cabin. However, taking into consideration its height of 2.6m combined with the depth of 8.4m, in close proximity to no.148, it is not considered to be a sufficient buffer distance between the cabin and this neighbouring property.

The design, finish and purpose is not commensurate with this site, or sympathetic to its domestic context. It is also noted that the cabin is partly screened by natural vegetation, however, there is no guarantee that the trees and vegetation would remain along the common boundary.

Therefore, the proposed bulk, size, design, and siting of the rear extension is considered to be extensive. It would appear as an incongruous form of development, at odds from this established pattern of development and would result in material harm to the character and appearance of the area.

Air conditioning units:

The site images provided indicate 3no. Air Conditioning units to the rear elevation of the cabin.

Officers note that the specification of the AC units does not form part of this assessment as this information has not been provided by the applicant. This assessment will solely concentrate on the location of the units and its impact on the character of the application site and the immediate vicinity.

As the dwelling is not a listed building, only the external AC compressor units will require planning permission. The AC units should as far as possible be of an acceptable size, at low level, set back from the front elevation and screened from the street scene and neighbouring gardens, to preserve and enhance the local character and respect the appearance of the dwelling. The units are located on the rear elevation at ground level.

This location is suitable as they are placed at ground level and not immediately visible. Notwithstanding this, the size and number of units occupy a considerable section of the rear elevation and may be viewed as intrinsically detrimental to the appearance of the host property.

Front cladding:

The application includes the retention of the timber cladding to the front of the dwelling. Upon review of site images and site inspections, the timber cladding appears prominent and out of character with the surrounding area.

Upon review, there are no other examples of this material to the front of any dwellings along Broadfields Avenue within a reasonable distance of the application site.

As such, the timber cladding is considered as an incongruous form of development, at odds from this established pattern of development and would result in material harm to the character and appearance of the area and the host dwelling.

Expansion of the practice:

As noted in the site description, Broadfields Avenue is strongly characterised by residential dwellings. This situation was cross-checked through use of the road's planning history, surveying aerial and street scene imagery and during the site visit to the property. The proposed expansion of the practice to the main dwellinghouse would result in a strong visual presence and impact on the street scene through increased services, utilities, staff and patients. This would therefore result in a heighted level of coming-and-going and associated activity at the site detrimental to the character and appearance of the surrounding area.

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

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan, Policies D3 and D6 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 application site shares a common boundary with No. 148 Broadfields Avenue to the south of the site. To the northern boundary, the application site borders nos. 2, 4, 6 & 8 Glengall Road. Given the distances and orientation of the neighbouring properties to the north of the site, this assessment will consider the impact of the development to the neighbouring property of No. 148 Broadfields Avenue as a viable consideration.

Rear Cabin Extension:

Barnet's Residential Design Guidance SPD stipulates that a depth of 4m for single storey rear extensions on a detached property is normally considered to be acceptable.

The drawings submitted indicate the rear cabin adjoining from the rear of the dwelling would have a maximum depth of 8.4m. This projection will be located in close proximity to no.148. Officers consider this to not be a sufficient buffer distance between the cabin and this neighbouring property.

To offset the loss of outlook and increased sense of enclosure arising from the proposed bulk, size, design and siting of the rear extension It would appear as a prominent and visually obtrusive feature when viewed from neighbouring gardens impacting neighbouring amenity contrary to DM02.

Air conditioning units:

Barnet's Design and Construction SPD outlines that noise affects people enjoying their outdoor amenity space and can have effects including significant sleep disturbance and annoyance.

The units are likely to create noise nuisance to the occupiers of the adjacent neighbouring occupiers. Therefore, whilst the location might be acceptable, (notwithstanding that the Local Planning Authority has not been able to assess the appearance of the units given the lack of information), the planning application should be accompanied by an acoustic noise report prepared by a qualified acoustic consultant, to demonstrate that there would be no undue levels of noise and disturbance to the living conditions of neighbouring occupiers. This report will be assessed by our Environmental health officers who will be able to confirm if the locations and the units would have an impact on the amenities of neighbouring occupiers in terms of noise nuisance.

The applicant has not provided this information and therefore the Council are unable to conclusively determine that the AC units to the rear would not cause undue harm to the amenity of the neighbouring properties, contrary to Policy DM04

Front cladding:

Given the nature, location and scale of the front cladding, it is not considered to harm the residential amenities of the any neighbouring occupiers.

Expansion of the practice:

The proposed drawings indicate the expansion of the practice will accommodate 3 times the number of surgeries in situ. With this, we can expect 3 times the number of staff and patients on site at any one time. Therefore, the proposed increase in services, staff and patients would result in a heighted level of coming-and-going and associated activity at the site.

Notwithstanding the existing use, the resultant noise and disturbance to neighbouring occupiers is considered to be detrimental to their residential amenity and contrary to Policy D3 and D14 of the London Plan 2021, Policies CS1 and CS5 of the LB Barnet: Core Strategy (2012), Policies DM01, DM04 and DM13 of the LB Barnet: Development Management Policies DPD (2012), and the Sustainable Design and Construction SPD 2016.

Whether the scheme would result in parking and highways issues;

The site lies within a PTAL 2 zone, which means that there is adequate public transport accessibility to and from the site. The Local Highway Authority have been consulted on the application and consider the proposed provision of 2x off-streetcar parking spaces is in line with requirements set out on Policy DM17 of the Barnet Local Plan.

New community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety. New community or educational uses will be expected to protect the amenity of residential properties. No objection has been returned by the LHA.

The existing vehicular access is proposed to be retained as existing.

The LHA have requested details of refuse and cycle parking provisions. These could be secured by way of condition in the event of approval.

5.4 Response to Public Consultation

The objection comment received has been addressed in the assessment section of this report.

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, it is considered that the proposed development would result in the unacceptable loss of a viable residential dwellinghouse contrary to DM07. The development would have an unacceptable impact on the character and appearance of the application site, the street scene and the locality and an adverse impact on the amenities of neighbouring occupiers.

The development is therefore contrary to Policies D1, D3, D4 and D14 of the London Plan 2021, Policies CS1 and CS5 of the LB Barnet: Core Strategy (2012), Policies DM01, DM02, DM04, DM07 and DM13 of the LB Barnet: Development Management Policies DPD (2012), the Adopted Residential Design Guidance SPD (2016).

The application This application is therefore recommended for REFUSAL.

