

Location Talmud Torah Tiferes Shlomo Boys School Danescroft Avenue
London NW4 2NB

Reference: 22/0695/RCU Received: 11th February 2022
Accepted: 15th February 2022

Ward: Hendon Expiry 12th April 2022

Case Officer: Refael Saffer

Applicant: Mr HENRY BONDI

Proposal: Replacement of existing windows to rear southern rear wing (north and south elevations) (partially retrospective application)

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 Chair (or in their absence the Vice-Chair) 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:

11-06-21 P20 (Rev A),
11-06-21 P27,
11-06-21 P28,
11-06-21 P29,
11-06-21 P30,
Window restrictor specifications.

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 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 As shown on the hereby approved plans, the existing obscure glazing for all the north and south facing windows on the first floor or above of the southern wing shall be permanently retained as such thereafter. All windows in the first floor or above of the southern elevation of the southern wing shall be permanently restricted to opening 75mm or less (unless otherwise agreed in writing with the LPA) via the hereby approved windows restrictors within 1 month of this decision notice and permanently retained as such thereafter

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016)

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

OFFICER'S ASSESSMENT

1. Site Description

The application site is located at Danescroft Avenue, London, NW4 2NB, consisting of three multi-storey, interconnected buildings which currently serve as a school, namely 'Talmud Torah Tiferes Shlomo Boys School'. The area surrounding the site is predominantly residential consisting of detached as well as semi-detached dwellinghouses. The site is located within the Hendon ward.

The site is not located within a conservation area and is not a listed building.

2. Relevant Planning History

Reference: 21/2449/192

Address: Talmud Torah Tiferes Shlomo Boys School, Danescroft Avenue, London, NW4 2NB

Decision: Unlawful

Decision Date: 1 June 2021

Description: Use of school property (Class F1) as a venue for large-scale functions/events on a commercial basis (featuring at least 75 people, external catering, or live music) (Sui Generis)

Reference: 21/3406/FUL

Address: Talmud Torah Tiferes Shlomo Boys School, Danescroft Avenue, London, NW4 2NB

Decision: Withdrawn

Decision Date: 12 May 2022

Description: Works to existing school building comprising partial enclosing of the lower ground floor undercroft located to the rear to create two additional classrooms and indoor play area.

Reference: H/00801/08

Address: Talmud Torah Tiferes Shlomo Boys School, Danescroft Avenue, London, NW4 2NB

Decision: Refused

Decision Date: 7 July 2008

Description: Erection of new 3 bedroom, 2 storey house on land adjacent to Hendon Reform Synagogue and 16 Danescroft Gardens, NW4

Enforcement History

Reference: ENF/1417/21

Address: Talmud Torah Tiferes Shlomo Boys School, Danescroft Avenue, London, NW4 2NB

Decision: Case closed

Description: Breach of Condition - Use of School

Reference: ENF/0848/22

Address: Talmud Torah Tiferes Shlomo Boys School, Danescroft Avenue, London, NW4 2NB

Decision: Pending consideration

Description: Without planning permission, the making of a material change of use of the property to a mixed use as a school, public worship, and a social and community events/celebrations space

3. Proposal

The application seeks permission for the replacement of the existing windows to the rear southern rear wing (north and south elevations) (partially retrospective application)

This report will assess multiple windows already installed on the north and south elevations from first floor and above, as well as proposed restrictors fitted to the south elevation windows.

4. Public Consultation

Consultation letters were sent to 44 neighbouring properties. 7 Objections have been received, with comments summarised as follows -

- Overlooking
- Noise pollution
- Expansion of the school due to the addition of new classrooms
- Environmental, parking and highways impact due to the addition of more classrooms

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 published in 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 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 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 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 Local Plan (2012)

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, 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.

- 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 the 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 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 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 which states that all proposals should preserve and enhance the local character of the area, as well as policies CS05 (both of the Barnet Local Plan), D4 and D5 of the London Plan 2021.

The school building is comprised of three joint building elements, with this application relating to windows on the building located on the south-east side of the plot. Windows on the north and south elevation have been replaced with windows of similar design and dimensions to the previous windows, with similar materials to the original. New restrictors will be fitted to any openable windows on the south elevation from first floor and above, to match the existing restrictors. This would reflect a minor change in the character of the building, with no harm in the design of the building to occur.

Upon investigation of street view, aerial imagery and site images provided by the applicant, officers note that white upvc windows are used widely in the neighbouring properties, and as such officers are satisfied that the materials respond well to the site context and its design objectives.

As such, it is found that the replacement of the windows on the north and south elevation, as well as installation of restrictors has not had and will not have an adverse effect on the character of the main building; these works are therefore in compliance with Policy DM01 of Barnet's Development Management Policies DPD.

Residential Amenity

Barnet's Residential Design SPD provides clear guidance with regard to what is expected from new developments to ensure that the amenity of neighbouring occupants is not harmfully impacted. With regard to this application, the key concern is whether the proposal would result in any degree of overlooking to neighbouring sites and if overshadowing, loss of outlook and loss of light would occur as a result of the development.

Restrictors will be fitted to the windows on the south side elevation from first floor and above. Consequently, these windows will be restricted to open by no more than 75mm. As a result, no excessive overlooking or loss of privacy will occur to no. 9 Danescroft Avenue, as well as no.1 Danescroft Gardens.

In assessment, officers are satisfied that the development is not considered to prejudice the residential amenities of neighbouring properties in terms of loss of light, outlook and privacy; therefore, in this regard, it is in compliance with Policy DM01 of Barnet's Development Management Policies DPD.

5.4 Response to Public Consultation

- Overlooking

This objection has been dealt with in the above assessment

- Noise pollution, expansion of the school due to the addition of new classrooms, Environmental, parking and highways impact due to the addition of more classrooms

This assessment deals with the character and amenity impact of the replacement of existing windows to the rear southern rear wing. Consequently, the impact of other works, although carrying the potential for amenity losses as listed in the objections, would nevertheless fall outside the ambit 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 subject to compliance with the attached conditions, the windows 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.

