

Planning Statement

Site: Rear off 63 Hodford Road, London NW11 8NL

Proposal: Demolition of existing single storey storage building (former garage) and erection of a single storey and lower ground floor detached house.

1.0 Application Site and Location

The application site is lawfully a Class B8 use (confirmed by a certificate of lawfulness – refer to relevant planning history) therefore, the whole site is identified as previously developed land.

The site is adjacent to the rear gardens of No. 61 & 63 Hodford Road. No.63 Hodford Road is a two-storey semi-detached property subdivided into two flats and is located on the corner with Dunstan Road.

To the west of the site is Golders Green Synagogue (fronting Dunstan Road), which is a statutory Grade II listed building.

The application site is not within a conservation area.

The site is located in an area where controlled parking measures are in place.

The site is located within a highly accessible location (PTAL 5) with Golders Green Town Centre and Golders Green tube station within walking distance.

The site is located in a low flood risk zone (flood risk zone 1).

2.0 Relevant Planning History

Certificate of lawfulness was granted 1st June 2020 (ref: 20/1256/191) for: *“Use as Class B8 (storage or distribution)”*. The site outlined in the certificate of lawfulness application is identical to the application site subject of this application.

Planning permission was refused 18th May 2018 (ref: 18/1846/FUL) for: *“demolition of existing garage and erection of new two storey house.”* An appeal against the decision was dismissed 9th January 2019 (Appeal ref: 3204543).

Planning permission was refused 3rd October 2005 (ref: C02885G/05) for: *“Erection of a part single, part two-storey detached dwelling house. Provision of one carparking space accessed from Dunston Road”*. An appeal against the decision was dismissed 24th July 2006 (Appeal ref: 1197315).

Planning permission was refused 14th April 2004 (ref: C02885F/04), for; 'Erection of detached chalet bungalow with integral garage and access from Dunstan Road'. An appeal against the decision was dismissed 28th April 2005 (Appeal ref: 1152142).

3.0 The Planning Proposal

The proposal would provide a single storey and lower ground floor 3-bedroom detached dwelling.

No off street car parking spaces will be provided but secure storage for 2 cycles will be provided.

Provision of storage for refuse and recycling bins will be provided.

The proposal complies with Part M4(2) of the building regulation accessibility standards.

The proposal would provide a green sedum roof.

4.0 Relevant Policies in respect of the NPPF, the London Plan and the Councils Adopted Local Plan

Government policy is set out in the National Planning Policy Framework ("the NPPF") 2019.

Paragraph 10 of the NPPF states; *"So sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)."*

Paragraph 11 states; *"Plans and decisions should apply a presumption in favour of sustainable development."*

Paragraph 109 states: *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

Paragraph 130 states: *"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development..."*

Paragraph 131 states: *"In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings."*

Paragraph 189 states: *“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”*

Paragraph 190 states: *“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”*

Paragraph 192 states: *“In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. “*

London Plan policies for housing encourage, inter alia:

- housing in sustainable locations;
- increase in housing supply;
- make efficient use of land to provide more housing;
- increase in housing mix.

The Draft London Plan is likely to be adopted in Spring 2021, therefore its policies should be given significant material weight.

Policy H1 (Increasing Housing Supply) requires (in part) London local planning authorities to optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions, especially the following sources of capacity: a. sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m of a Tube station, rail station or town centre boundary. b. mixed-use redevelopment of car parks and low-density retail parks c. housing intensification on other appropriate low-density sites in commercial, leisure and infrastructure uses d. the redevelopment of surplus utilities and public sector owned sites e. small housing sites (see Policy H2 Small sites).

Policy H2 (Small Sites) states that small sites should play a much greater role in housing delivery. The policy requires boroughs to apply a presumption in favour of small housing development which provide between one and 25 homes in many types of areas including; underused sites, and sites within PTAL 3-6 or within 800 metres of a tube station or town centre. Section 4.2.1 of the London Plan states that “small housing developments” of between one and twenty-five homes must make a substantially greater contribution to new supply across the city. Therefore, “increasing the rate of housing delivery from small housing sites is a strategic priority....”

Council's Adopted Policies

Relevant Core Strategy Policies: CS1, CS3, CS4, CS5 and CS15.

Relevant Development Management Document Policies: DM01, DM02, DM03, DM08 and DM17.

Relevant Supplementary Planning Documents: Sustainable Design and Construction SPD (October 2016) & Residential Design Guidance SPD (adopted October 2016).

Policy CS3 of the Core Strategy anticipates that 28,000 new homes will need to be delivered between 2011/12 and 2025/26 as Barnet's 15-year housing target.

Policy CS4 sets out the aim to create successful communities by providing quality homes and housing choice.

Policy CS5 seeks to protect and enhance Barnet's character to create high quality places.

Policy DM01 seeks to protect Barnet's Character and the amenity of residents.

Policy DM02 requires development to meet minimum specified standards. The proposed development meets all relevant standards.

Policy DM03 requires development to be accessible and incorporate inclusive design.

Policy DM06 of Barnet's adopted Local Plan states that all heritage assets in Barnet will be protected in line with their significance.

Policy DM14 seeks to protect existing employment space.

Policy DM17 sets out the parking standards the Council will apply when assessing new developments. The parking standards set out in the Local Plan policy are maximum standards.

5.0 Planning Assessment

The main issues for consideration in this case are:

- The loss of a Class B8 use
- The impact the proposal would have on the character and appearance of the area
- The impact on the setting of the neighbouring listed building
- The standard of accommodation provided and amenities of future occupiers of the proposed units
- Impact on the amenities of neighbouring and surrounding occupiers
- Highway and parking matters
- Trees
- Refuse and recycling

- Sustainability
- Other material Planning considerations

6.0 The loss of a Class B8 use.

A certificate of lawfulness was granted 1st June 2020 (ref: 20/1256/191) for: *“Use as Class B8 (storage or distribution)”*. The site outlined in the certificate of lawfulness application is identical to the application site subject of this application.

Since the lawful use of the site is a Class B8 (storage or distribution) use Policy DM14 of the Local Plan is applicable.

Policy DM14 (New and existing employment space) allows the loss of a B Class use in this type of location *“where it can be demonstrated to the council’s satisfaction that a site is no longer suitable and viable for its existing or alternative business use...”*

It is clear that the Class B8 use of the site became lawful by default. Had the council the power to refuse planning permission for the use then it would have on many grounds, including incompatibility in the location.

The site is currently not used intensively as a storage yard but the whole site can lawfully be used for any type of storage use including a builders or scaffolding storage and distribution yard, and there are no planning conditions restricting the type of storage use or the hours of operation.

In the event planning permission is not granted for a dwelling on this site, then the applicant would have no choice but to market the site as an unconditioned Class B8 use.

This type of use is incompatible in the mainly residential location because it would cause significant harm to the character and appearance of the area, would impact negatively on the setting of the adjacent listed building and would cause significant harm to the residential amenity of neighbouring residential occupiers.

The definition of a Class B1 use are *“uses which can be carried out in a residential area without detriment to its amenity.”* This means that a Class B8 use is recognised as a use which cannot be operated in a residential area without detriment to neighbouring residential amenity.

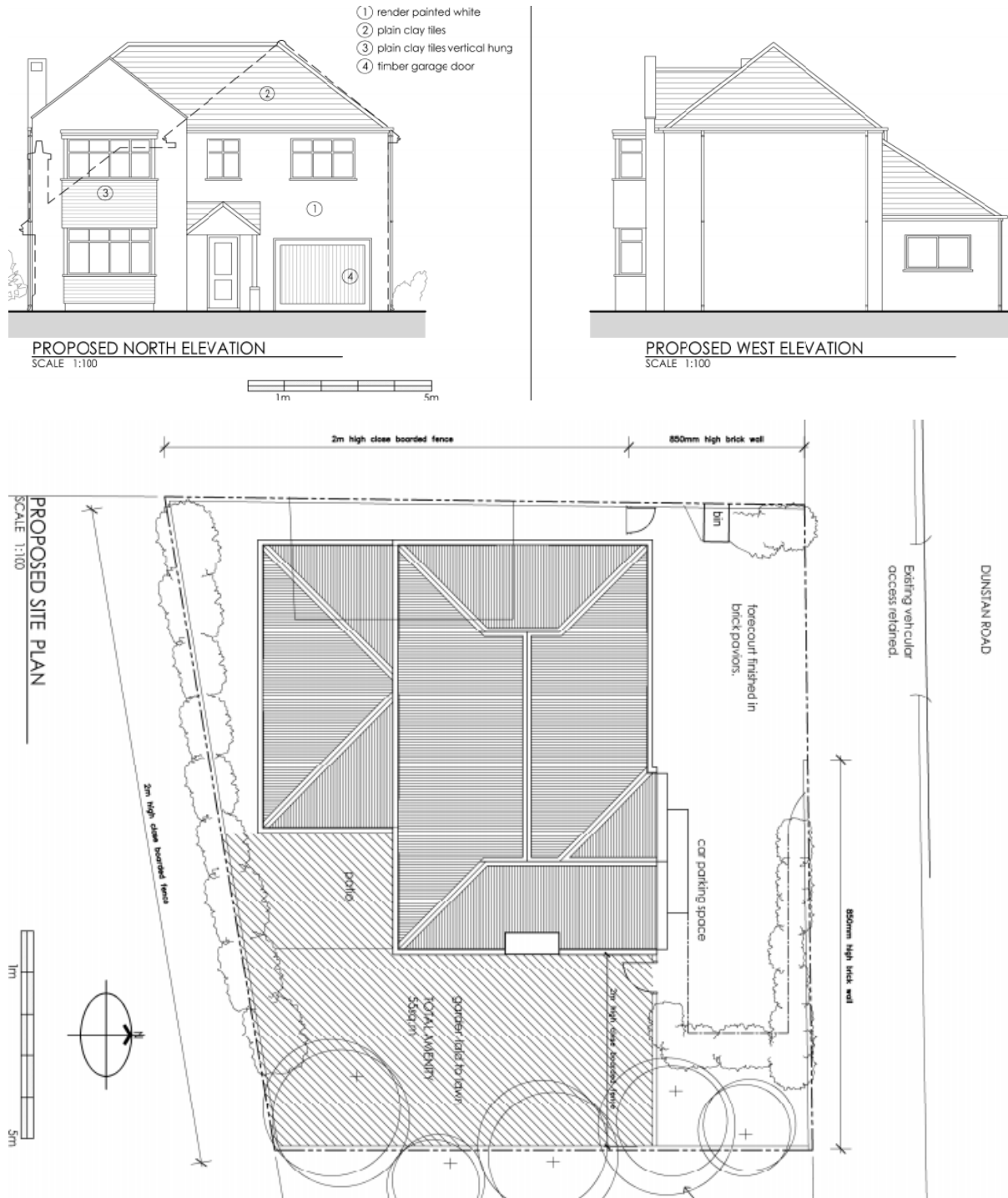
It is the applicant’s strong case that the lawful Class B8 use is not suitable in this location for the reasons outlined and this justifies the loss of the Class B8 use.

7.0 Impact on character and appearance

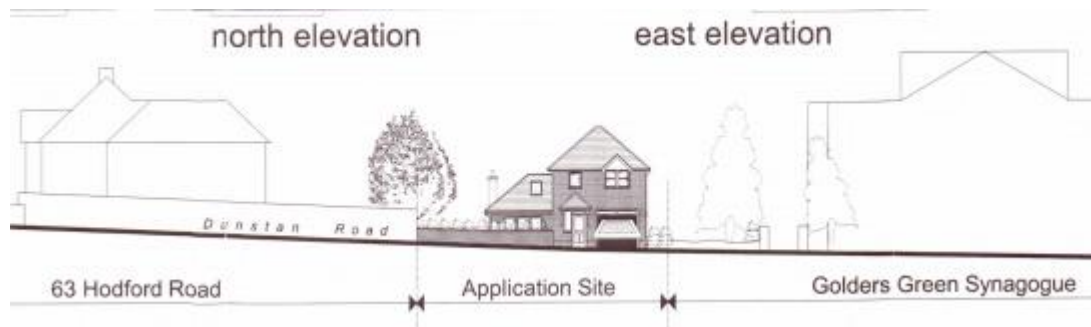
Paragraph 130 of the NPPF (2019) states: *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of*

a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development...”

The last proposal refused and dismissed at appeal (ref: 18/1846/FUL – appeal ref:3204543), is shown below (front and side elevations and proposed site plan).



The proposed street scene for the proposal refused permission and dismissed at appeal (ref: C02885G/05) is shown below.



The proposed street scene for the proposal refused permission and dismissed at appeal (ref: C02885F/04) is shown below.



The previous decisions mainly focused on the poor relationship and transition between the proposed houses and the large neighbouring Synagogue.

The planning circumstances of the site have significantly changed since the planning merits of the previous proposals were considered.

Previously the site was considered to be a garden with a garage. A certificate of lawfulness was granted 1st June 2020 (ref: 20/1256/191) for: "Use as Class B8 (storage or distribution)". The site outlined in the certificate of lawfulness application is identical to the application site subject of this application.

It is also a material consideration that the site has permitted development rights to extend the existing building and hard surface the whole site.

Class H of Part 7 of Schedule 2, of the General Permitted Development Order 2015, allows for the existing building to be increased in floor area by 50% of the original floor area of the existing former garage building. And the building can be 5 metres in height if located 5 metres from a boundary.

Class J of Part 7 of Schedule 2, of the General Permitted Development Order 2015, allows for the site to be completed hard surfaced.

The site is currently not used intensively as a storage yard but the whole site can lawfully be used for any type of storage use including a builders or scaffolding storage and distribution yard, and there are no planning conditions restricting the type of storage use or the hours of

operation. In affect the site could be transformed into an intensive builder's yard with material being stored across the whole site at considerable heights.

The proposed dwelling is a ground and lower ground floor contemporary building with a green sedum roof.

Unlike the previous proposals, the proposed building would not be readily seen from the street or neighbouring properties, as viewed from ground floor level. The proposal, therefore, would not disrupt the transition between existing buildings – unlike previous proposals.

The proposed dwelling is a high-quality contemporary design – refer to proposed drawings and CGI's. One o f the CGI's is shown below.



The proposed courtyard garden contributes to the contemporary nature of the proposed new dwelling and will equally be discreet and hidden from view from the street, with no impact on the character and appearance of the local and wider area.

The proposed roof would be a green sedum roof, and this will further enhance the character and appearance of the building and further contribute to its low impact on the street scene.

The proposal deliberately ensures no car parking is provided on site. This means the development would only have a pedestrian access to ensure the house is hidden from views along the street.

8.0 The impact on the setting of the neighbouring listed building.

The adjacent Synagogue building is a statutory Grade II listed building.

The reason for designation according to Historic England reads: *'The special interest of the 1921-27 Golders Green Synagogue resides in its historic interest as the first and major synagogue in this area, which rapidly developed as one of the most significant Jewish neighbourhoods in C20 London and where its discrete traditional Neo-Georgian exterior, designed by two of the best known Jewish architects in this period, was intended to blend in*

with the architecture of the area; and for its particularly impressive interior, seen in the building's scale and spatial qualities as well as the quality and intactness of its fittings.'

For the same reasons outlined previously in this statement, the proposal would not have any impact on the setting of the neighbouring listed building.

9.0 The standard of accommodation provided and amenities of future occupiers of the proposed units.

The proposed dwellings meet the space standards for new development set out in "Housing Standards Minor Alterations to the London Plan (March 2016)."

69.6sqm of private external amenity space is provided.

One car parking space will be provided.

Storage for 2 cycles will be provided.

The proposed dwelling meets Part M4(2) of the building regulation accessibility standards.

Planning permission was granted 19th April 2016 (ref: 16/0747/S73) for; "Variation of condition 1 (Approved plans) of planning permission 15/00573/FUL dated 19/03/15 for 'Demolition of existing garages and erection of single storey dwelling including lower ground floor level. Provision of 1no. off-street parking space, hard/soft landscaping, refuse and cycle storage.' Variation to include enlargement of basement level to provide extra lower ground floor living space." This permission relates to a nearby site at No.45 Woodstock Road, NW11 8ES. Attention is drawn to this permission because it also allows for bedrooms at lower ground floor level with a similar outlook as the bedrooms in this proposal.

10.0 Impact on the amenities of neighbouring and surrounding occupiers

The proposal has been designed to ensure there is no direct overlooking of neighbouring gardens or windows of habitable rooms.

The proposal would have no significant impact on the amenity of neighbouring occupiers.

Previous proposals, which had a bigger impact on neighbouring amenity than this proposal, were considered by the Council and the Planning Inspectorate not to have a harmful impact on neighbouring amenity.

11.0 Highway and parking matters

Policy DM17 of the LPA's Local Plan sets out the maximum standards for car parking provision.

Paragraph 109 of the NPPF (July 2019) states; "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*"

The proposal would provide no car parking spaces.

Secure storage for 2 cycles will be provided.

The surrounding roads are within a controlled parking zone.

There is sufficient capacity on surrounding roads to accommodate any car parking demand on the street.

12.0 Tree issues

None of the existing trees are protected trees.

The tree report concludes as follows:

- The proposals do not impact any of the important trees.
- Retained trees outside the site can be protected during all phases.
- Proposals pose no significant impact to the trees outside the site.
- Proposed removals are all Cat C trees, of low value.
- Mitigation planting could be an opportunity to improve the area and enhance biodiversity and visual amenity.
- Protection measures should be put in place to safeguard the retained trees during construction phases.

13.0 Refuse and Recycling Storage

Refuse and recycling bins will be located at the front (behind fencing).

14.0 Sustainability

Refer to Sustainability Statement.

The development will achieve a 10% carbon reduction target (beyond Part L 2013 of the Building Regulations).

15.0 Other material considerations

Barnet Council are significantly short of meeting the new annualised targets for housing completions (3,134) set out in table 4.1 of the draft London Plan (likely to be adopted in Spring 2021).

There is still a problem of planning permissions actually getting built out and there is an acknowledged London wide shortage of dwellings overall. And as such, it is still paramount that when there are opportunities to deliver more housing then those opportunities should be taken to help meet the acute shortage of homes London wide.

Policy H1 (Increasing Housing Supply) of the draft London Plan, requires (in part) London local planning authorities to optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions, especially the following sources of capacity:

a. sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m of a Tube station, rail station or town centre boundary. b. mixed-use redevelopment of car parks and low-density retail parks c. housing intensification on other appropriate low-density sites in commercial, leisure and infrastructure uses d. the redevelopment of surplus utilities and public sector owned sites e. small housing sites (see Policy H2 Small sites)

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This site meets all the criteria set by both policies and as such these policies are significant material planning considerations.

Therefore, significant weight should be afforded to the provision of a much needed 3-bedroom family sized dwelling in a sustainable location.

The proposal ensures an efficient use of land in compliance with sustainability policies.