LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date: 17th October 2017

Ward: Hadley Wood

Report of

Assistant Director, Regeneration & Planning

Contact Officer:

Andy Higham David Gittens

Kate Perry Tel No: 0208 379 3853

Ref: 16/05119/FUL

Category: Full Application

LOCATION: 8 Lancaster Avenue, Hadley Wood, Barnet, Hertfordshire, EN4 0EX

PROPOSAL: Single storey front and rear extension including new entrance with ramp together with installation of 7 air conditioning units to rear and associated landscaping.

Applicant Name & Address:

Mr Michael Singer Hadley Wood Jewish Community 8 Lancaster Avenue Hadley Wood Barnet Hertfordshire EN4 0EX

Agent Name & Address:

Jonathan Lovett
Association of Ideas
14 Station Point,
121 Sandycombe Road
Richmond,
TW9 2AD

RECOMMENDATION:

It is recommended that planning permission be **GRANTED** subject to conditions.

Note for Members:

Applications of this nature would normally be considered under delegated authority however due to the level of public interest and the planning history of the site, it is considered the application should be determined by the Planning Committee



1. Site and Surroundings

1.1 The site comprises a large detached building on the southern side of the road. The lawful use of the building was established at Appeal (ref APP/Q5300/x/14/2227375) when it was described as a "mixed use of residential and community synagogue" (Appeal decision dated 14.1.2016).

2. Proposal

- 2.1 The current application seeks single storey extensions to the front and rear of the existing building. The single storey rear extension would measure 5m in depth and would extend beyond an existing extension which measures 4.5m in depth. The overall depth would therefore be 9.5m. The extension would have a flat grass roof with 4 rooflights to a height of 3.2m (to the top of the parapet) and extend the full width of the property (11.5m). Seven air conditioning units are also proposed above the flat roof and attached to the rear elevation of the property. These will be positioned behind a screen to minimise the visual impact.
- 2.2 The front extension would measure between 1.4m and 2.9m in depth. It would have a part pitched, part flat roof and measure 3.5m in height. A ramp, steps and raised entrance platform are also proposed.
- 2.3 The proposed development would increase the floor space of the ground floor from 125 sqm to 194 sqm (an increase of 69 sqm). The ground floor accommodation would comprise an enlarged entrance hall (including a coat store, 3 WCs and a baby change), a kitchen, refreshment room, crèche, study/library, lecture room and religious meeting room. The first floor would also be reconfigured to include 2 bedrooms, a rabbi's office, a bathroom, WC and living/dining room. It is Important to note that no kitchen facilities are proposed at first floor level and no door is indicated at either the top or the bottom of the stairs to subdivide the residential accommodation.. This suggests that the use will remain as a "mixed use of residential and community synagogue" as outlined in the Appeal Inspectors decision. This is discussed further in the Analysis section of this report.
- 2.2 The applicant has advised that the development is to improve facilities for existing users and no intensification of the use is proposed.
- 2.3 The access and car parking arrangements will remain as existing.

3. Relevant Planning Decisions

- 3.1 TP/73/1185 Extension (Granted with conditions 12th September 1973)
- 3.2 TP/87/0790 Erection of part 2-storey part single storey extension at front side and rear of existing house to provide garage and additional living accommodation. (Granted with conditions 27th August 1988)
- 3.3 P13-03561PLA Erection of single storey front extension including new entrance with ramp, raised planters and recycling shed, rear extension to provide religious meeting rooms with 4 x rooflights. (Withdrawn 23rd January 2014)
- 3.4 P14-00812LDC Use of ground floor as a community synagogue (Use Class D1), with ancillary living accommodation on the first floor (Refused 7th October 2014) for the following reason:

The applicant has failed to demonstrate that, on the balance of probabilities, the use of ground floor of the application property as a community synagogue (Use Class D1), with ancillary living accommodation on the first floor, has been used continuously for 10 years before the date of this application

Appeal Allowed 14th January 2016 (Appeal Decision is at Appendix 1)

Summary of Appeal Conclusions

- 3.5 The Inspector concluded "as a matter of fact and degree that there was a material change of use of the property at 8 Lancaster Avenue from residential to a mixed use of residential and a community synagogue in about August 2002 and that this mixed use continued from then until the application date in March 2014, and indeed continues to the present time" (para 52).
- 3.6 The Inspector considered that "the Council's refusal to grant a certificate of lawful use of development in respect of 'use of ground floor as a community synagogue, with ancillary accommodation on the first floor' as described in the application was well founded...(however) on the evidence now available, that a certificate of lawful use or development in respect of a mixed use of residential and community synagogue should be granted" (para 53).
- 3.7 The Inspector was clear that there was insufficient evidence to demonstrate that the ground floor had been used solely as a Synagogue in D1 use for the required period and that a residential element had been present throughout the period with the levels and intensity of use varying over time. The upper floor residents were, at minimum, reliant on the ground floor kitchen and similarly there were no physical restrictions between the ground and first floors of the building. The Inspector considered that the residential use was not ancillary to the synagogue use but instead should be considered as a parallel use which occurred over both ground and first floor and did not require a functional link to the synagogue (i.e. it is not necessary the residential occupiers were part of the religious community even though this may have been the case on occasion).

4. Consultations

4.1 Statutory and non-statutory consultees

Environmental Health

- 4.1.1 No objections Environmental Health does not object to the application for planning permission as there is unlikely to be a negative environmental impact. In particular there are no concerns regarding air quality, noise or contaminated land.
- 4.1.2 The acoustic report demonstrates that the noise from the air conditioning units will be 10dB below the lowest measured background level during operational hours. The report has stated that the units will only be used during the daytime period (7am 11pm). This can be secured by condition.

Traffic and Transportation

4.1.3 No objections - This proposal appears unlikely to have significant traffic and transportation impacts.

4.1.4 With regard to the new access ramp to the applicant should refer to Inclusive Mobility (DfT, 2005) for guidance on suitable gradients and widths for the proposed ramp. Details of this can be secured by condition.

5. Public

- 5.1 Consultation letters were sent to 10 neighbouring properties. The consultation period ended 16.12.2016. 5 letters of objection have been received. The following objections have been made (in summary):
 - Conflict with local plan
 - Development too high
 - General dislike of proposal
 - Inadequate parking provision
 - Increase in traffic
 - Increase of pollution
 - Loss of parking
 - Loss of privacy due to high number of attendees
 - More open space needed on development
 - Noise nuisance
 - Out of keeping with character of area
 - Over development
 - Strain on existing community facilities
 - Front extension out of keeping
 - Development will result in intensification of use planning statement includes significantly higher numbers and greater range of activities than that previously submitted with 2013 LDC
 - Planning statement proposes very high numbers greater than expected following meeting of HWJC with the community
 - High numbers at events will cause disruption and noise nuisance
 - Rear extension is far too big
 - The front extension and ramps will have an 'institutional' appearance which is out of keeping with the residential character of the area
 - The air conditioning units will cause significant disturbance
 - There are other halls and venues in Hadley Wood which are far more appropriate for these activities

6. Relevant Policy

6.1 <u>London Plan</u>

Policy 7.1 Lifetime Neighbourhoods

Policy 7.4 Local character

Policy 7.6 Architecture

6.2 <u>Core Strategy</u>

CP30 Maintaining and Improving the Quality of the Built and Open

Environment

6.3 <u>Development Management Document</u>

DMD 11 Rear extensions

DMD37 Achieving High Quality and Design-Led Development

DMD 68 Noise

6.4 Other Material Considerations

National Planning Policy Framework National Planning Policy Guidance

7. Analysis

Background

- 7.1 A planning application was submitted in 2013 for the erection of a single storey front extension including new entrance with ramp, raised planters and recycling shed and rear extension to provide religious meeting rooms with 4 x rooflights. However it was considered the lawful use of the property was not clear and thus this application was withdrawn in January 2014 and an application for a Certificate of Lawful Development to establish the lawful use of the property was made. The applicant's applied for the "use of ground floor as a community synagogue (Use Class D1), with ancillary living accommodation on the first floor" (ref: P14-00812LDC). This was refused by the Council in October 2014 as it was considered that the applicant had failed to demonstrate that, on the balance of probabilities, the use of ground floor of the application property as a community synagogue (Use Class D1), with ancillary living accommodation on the first floor, has been used continuously for 10 years before the date of this application.
- 7.2 On appeal following a Public Inquiry in 2015, the Inspector concluded that the lawful use of the building was a "mixed use of residential and community synagogue".
- 7.3 Fundamental to the assessment of the current proposal is that the number of users/ visitors to the premises was not established through the Appeal process. The physical size of the building and its mixed use is the only limiting factor restricting numbers although the applicants' have advised that currently when more people need to be accommodated a marquee is erected temporarily in the rear garden.
- 7.3 The current application seeks extensions to the existing building to improve facilities for existing users. The applicant has confirmed that they do not seek to increase visitor numbers. They have however provided a schedule of user numbers and the type of activities which occur within the building (within the planning statement and in a separate document). These are apparently based on existing numbers and are not projected figures based on the increased floor area. However, the figures provided have not been robustly justified and were not established through the Appeal process. Therefore, they can only be considered for indicative purposes. Consequently, the current assessment focusses on the floor areas of the building and its mixed use. If the proposal is therefore to receive favourable consideration, it is considered that it is important that the building remains as a "mixed use of residential and community synagogue" as established by the Appeal and thus will not have a greater impact on the residential amenities of neighbours or further diminish the residential character of the area.

7.4 It is noted that the submitted Planning Statement also states that the property has been established through the LDC in 2015 as "a synagogue on the ground floor, with ancillary residential accommodation on the first floor". It also refers to the community synagogue as Use Class D1. This is an incorrect description of the existing use as established at the Appeal. For the purposes of this assessment the property is being considered as a "mixed use of residential and community synagogue" as established at Appeal.

Principle

7.5 There is no objection in principle to the extension of the existing building subject to the development remaining as a "mixed use of residential and community synagogue" as established by the 2015 Appeal. The development should not result in a change to the nature or intensity of the operation as established by the Appeal decision.

Intensity of Use

- Intensification within a lawful use does not normally constitute development and as previously stated, the proposed extensions due to their size, should not result in an increase in the intensity of the use above which was established by the Appeal decision in 2015. The number of users or activities was not established through the Appeal only that it was a "mixed use of residential and community synagogue". It was established that the residential element was evident on both floors and was not intrinsically linked or ancillary to the synagogue. It is considered that the current proposal would retain this balance. The proposal has been amended to remove a kitchen from the first floor so the kitchen downstairs will be used to serve the residential element as well. Similarly the rabbi's office is at first floor. There are no doors at the top or bottom of the stairs marking a physical divide between the residential and synagogue elements. In this way it is considered that the property would remain a single planning unit with a mixed use as per the 2015 Appeal. No change of use is occurring as a result of the current proposals..
- 7.7 Concerns regarding the potential for there to be an increase in visitor numbers and an increased intensity of use as a result of the extensions are noted. However, given the approach of the Inspector in the appeal decision, it is considered that assessment must focus on the existing and proposed floor areas and the proposed layout of the building. To this end, the existing property has one large room used for religious services measuring 69 sq.m. The proposed religious meeting room as indicated on drawing 021 measures 52 sq. Therefore the main meeting room has actually been reduced in size. There are also 2 additional rooms proposed labelled Study/ library and lecture room. In order to maintain user numbers it is recommended that a condition be attached to any permission granted that these only be used for the identified purposes and for no other purpose including 'overspill' accommodation from the religious meeting rooms.
- 7.8 In relation to the other facilities proposed, including a refreshments room and crèche it is considered that, whilst less formally allocated, these can be and are accommodated within the existing building and therefore are considered acceptable and within the parameters of the existing LDC.
- 7.9 Overall, for the reasons stated above and subject to conditions, the proposed increase in floor area will not result in an unacceptable form of development which would be more intensively used or different in nature to the existing "mixed use of residential and community synagogue".

Impact on the street scene and the character of the area

- 7.10 The National Planning Policy Framework (NPPF) at Section 7 confirms that the Government attaches great importance to the design of the built environment, with good design being a key aspect of sustainable development. Whilst LPAs should not be too prescriptive in terms of architectural style, in order to achieve high quality outcomes, particular regard will be given to the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area generally.
- 7.11 Policies 7.4, 7.5 and 7.6 of the London Plan confirm the requirement for achieving the highest architectural quality, taking into consideration the local context and its contribution to that context. Design should respond to contributing towards "a positive relationship between urban structure and natural landscape features..." The above Policy aims are reflected within the Core Strategy and within the Development Management Document.
- 7.12 The current application proposes a single storey front extension. The extension would measure between 1.4m and 2.9m in depth with a partly flat, partly pitched roof. The extension would relate acceptably to the existing building and would not be overly dominant in the street scene.
- 7.13 With regard to the access ramp, steps and raised entrance platform, this does not appear typical of a residential dwelling. An objection has raised concerns regarding the 'institutional' appearance" of the proposed works but it is not felt the appearance is sufficiently detrimental to the appearance and character of the area to warrant refusal, given the lawful mixed use of the property.
- 7.14 In relation to the rear extension, this would measure 9.5m in depth (5m deeper than the existing rear extension) and therefore would represent a significant addition at the rear of the property, particularly in terms of its depth. However, due to its siting at the rear of the building, it would not be prominent in the street scene and would not detract from the overall character of the area. The existing buildings in the road have existing extensions and a staggered and varied rear building line and the proposed extension would not appear out of keeping in this context. Furthermore, a green sedum roof is proposed which will minimise its visual impact. Details of this will be secured by condition should planning permission be granted.

Impact on residential amenity

Use

7.15 As stated previously, no change of use is proposed as a result of the proposed extensions the building will remain as a "mixed use of residential and community synagogue" as established by the 2015 Appeal.

Extensions

- 7.16 The proposed front extension would not breach a 45 degree angle from the nearest forward facing windows at either neighbouring property. The development therefore would not result in an unacceptable loss of light or outlook for either neighbouring occupiers.
- 7.17 At the rear the extension would measure an overall depth of 9.5m (including the

existing extension). In relation to No 8A Lancaster Avenue, this has an existing garage/ outbuilding which projects in to the rear garden and does not have a rear facing window. The development therefore would be largely obscured from view by the existing building and would not impact the rear windows of number 8A Lancaster Avenue in terms of loss of light and outlook; nor would it be overly dominant.

- 7.18 In relation to No.6 Lancaster Avenue, the rear building line of this property is positioned further rearward than No 8. In addition, it has a single storey rear extension. The proposed extension would extend 5m to the rear of the existing extension. This is more than would usually be acceptable under DMD 11. However, there is an existing brick wall between the properties which extends to 2.8m in height and extends 9.5m in depth from the original rear elevation. The proposed extension would measure 3.2m in height to the top of the parapet and therefore extend 0.4m above the height of the existing wall. It is considered that given the limited increase in height, the development would not have an unacceptable or overbearing impact on the neighbouring occupiers and would not result in an unacceptable loss of light or outlook.
- 7.19 In terms of privacy, no side facing windows are proposed and the provision of additional windows can be restricted by condition. A condition will also be added to ensure that the proposed flat roof is not used for recreational purposes.

Air conditioning Units

7.19 The proposed air conditioning units would be located on the rear elevation above the single storey rear extension. An acoustic report was submitted with the application to demonstrate that the noise levels would be acceptable would not unacceptably harm the residential amenities of neighbouring occupiers nor be detrimental to appearance. The Council's Environmental Health Department have advised that the acoustic report demonstrates that the noise from the air conditioning units will be 10dB below the lowest measured background level during operational hours. The report has stated that the units will only be used during the daytime period (7am - 11pm). Subject to this being secured by condition the proposal is acceptable in this regard.

Car Parking, Servicing and Traffic Generation

Car parking

7.20 The car parking arrangement will remain as existing. There is a large paved forecourt to the front of the property. As the development does not propose a change or intensification of use this is considered acceptable.

Cycle parking

7.21 5 cycle parking spaces are indicated in the rear garden. As this application is only for extensions no cycle parking is required. However, the provision of 5 spaces is welcome.

Pedestrian Access

7.22 Pedestrian access is via steps or an access ramp. With regard to the new access ramp to the applicant should refer to Inclusive Mobility (DfT, 2005) for guidance on suitable gradients and widths for the proposed ramp. Details of this can be secured by condition.

Servicing

7.28 Servicing will take place as per the existing servicing arrangements. As this application is only for extensions and no change of use is proposed this is considered acceptable.

Community Infrastructure Levy

Mayoral CIL

7.29 Mayoral CIL is collected by the Council on behalf of the Mayor of London. Mayoral CIL is only collected for developments of more than 100 sq.m. The current proposal has a net gain in additional floor space of 69sq.m. The development therefore if not CIL liable.

Enfield CIL

7.30 On 1 April 2016, the Council introduced its own CIL. The money collected from the levy (Regulation 123 Infrastructure List) will fund rail and causeway infrastructure for Meridian Water. As above, Enfield CIL is only collected for developments over 100 sq.m and therefore the proposal is not CIL liable.

8. Conclusion

8.1 Having regard to the above it is recommended that planning permission be granted subject to conditions.

9. Recommendation

- 9.1 That planning permission be **GRANTED** subject to the following conditions:
- 1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the decision notice.

Reason: To comply with the provisions of S.51 of the Planning & Compulsory Purchase Act 2004.

- 2. Unless required by any other condition attached to this Decision, the development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 - 001 Location Plan
 - 002 Existing Block Plan
 - 003 Existing Ground Floor Plan
 - 004 Existing First Floor Plan
 - 005 Existing Roof Plan
 - 006 Existing Front and Rear Elevation
 - 007 Existing Side Elevations
 - 020 Proposed Block Plan
 - 021 Proposed Ground Floor Plan
 - 022 Proposed First Floor Plan

- 023 Proposed Roof Plan
- 031 Proposed Front and Rear Elevations
- 032 Proposed Side Elevations Noise Impact Assessment

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The external finishing materials shall match those used in the construction of the existing building and/or areas of hard surfacing.

Reason: To ensure a satisfactory appearance.

4. Before development commences details of the proposed green sedum roof shall be submitted to and approved in writing by the Local Planning Authority. The green sedum roof shall be installed in accordance with the approved details.

Reason: To ensure a satisfactory appearance and in the interests of Sustainable Development.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any amending Order, no external windows or doors other than those indicated on the approved drawings shall be installed in the development hereby approved without the approval in writing of the Local Planning Authority.

Reason: To safeguard the privacy of the occupiers of adjoining properties.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any amending Order, no balustrades or other means of enclosure shall be erected on the roof of the extension(s). No roof of any part of the extension(s) shall be used for any recreational purpose and access shall only be for the purposes of the maintenance of the property or means of emergency escape.

Reason: To safeguard the privacy of the occupiers of adjoining properties.

7. The rooms indicated as 'study/library' and 'lecture room' identified on drawing number 021 shall be used solely for the identified purpose and shall not at any time be used as 'overspill' accommodation for the proposed religious meeting room.

Reason: To ensure that the development does not result in an over-intensive use of the site and to ensure the development remains within the parameters of its lawful use.

8. In accordance with drawing number 022, no kitchen or cooking facilities shall be provided at first floor level.

Reason: In order that the lawful mixed use is maintained on site.

9. The air conditioning units hereby approved shall only be used between the hours of 7am and 11pm.

Reason: In the interests of residential amenity

10. Before any development commences details of the proposed pedestrian access ramp shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the safety of future users.

11. The development shall not commence until details of the proposed rear garden landscaping, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To provide a satisfactory appearance and ensure that the development does not prejudice the amenity of neighbouring occupiers.

12. The use of the property shall remain as a mixed residential and community synagogue and no works to create a separate unit of residential accommodation should take place unless the written permission of the local planning authority has been obtained. Reason: to ensure the use of the property remains lawful and appropriate to its location and does not give rise to conditions detrimental to the residential character of the area or the amenities of the surrounding area

Informatives

- 1. The applicant is advised that the description of development included in the submitted Design and Access Statement and Planning Statement does not represent the Lawful Use of the site. The lawful use of the site was established under application P14-00812LDC where the Appeal Inspector described the lawful use of the site as a "mixed use of residential and community synagogue". The granting of this current planning application does not in any way confirm the use of the site as being for anything other than that determined at Appeal in 2015.
- 2. The Applicant is advised that this planning application has been considered based on the increase in floor area between the existing and proposed building. The existing visitor numbers submitted as part of this application have not been robustly verified and therefore have not been taken in to consideration in the determination of this application. The granting of this permission therefore does not give any credence to the number of visitors and should not be used as justification or evidence of intensity of use should a future planning application for extensions and/or change of use be made.



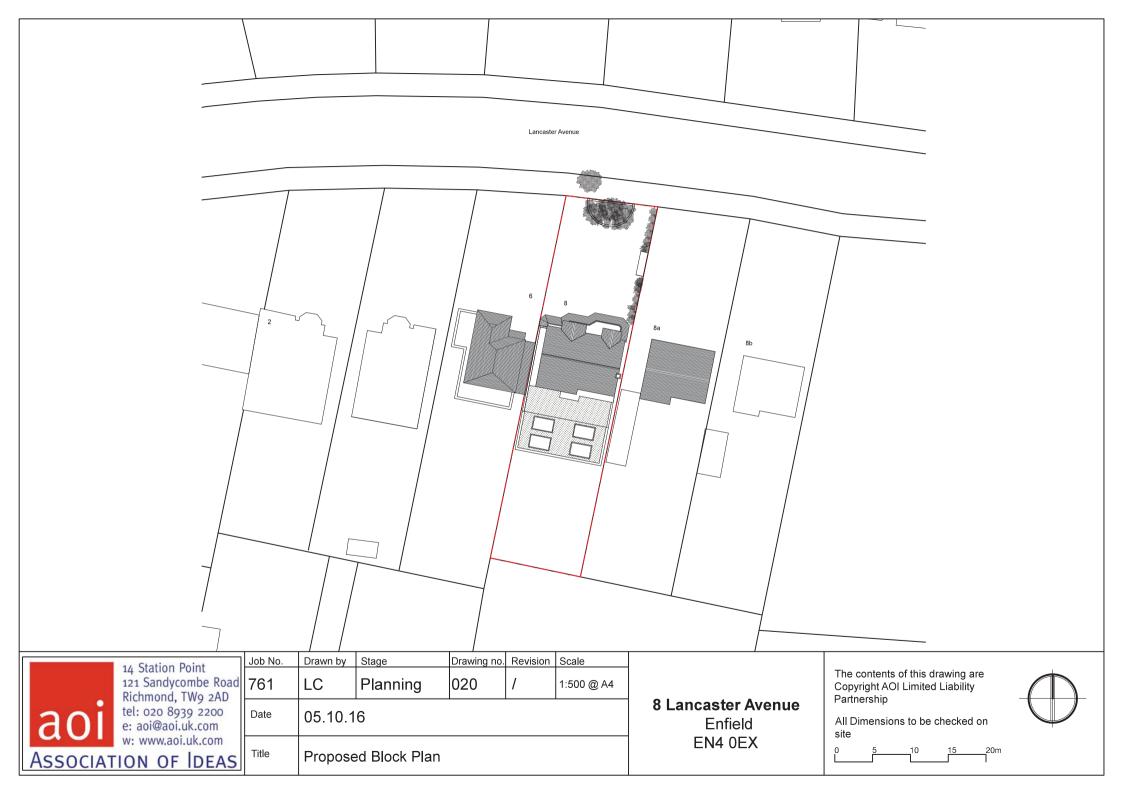


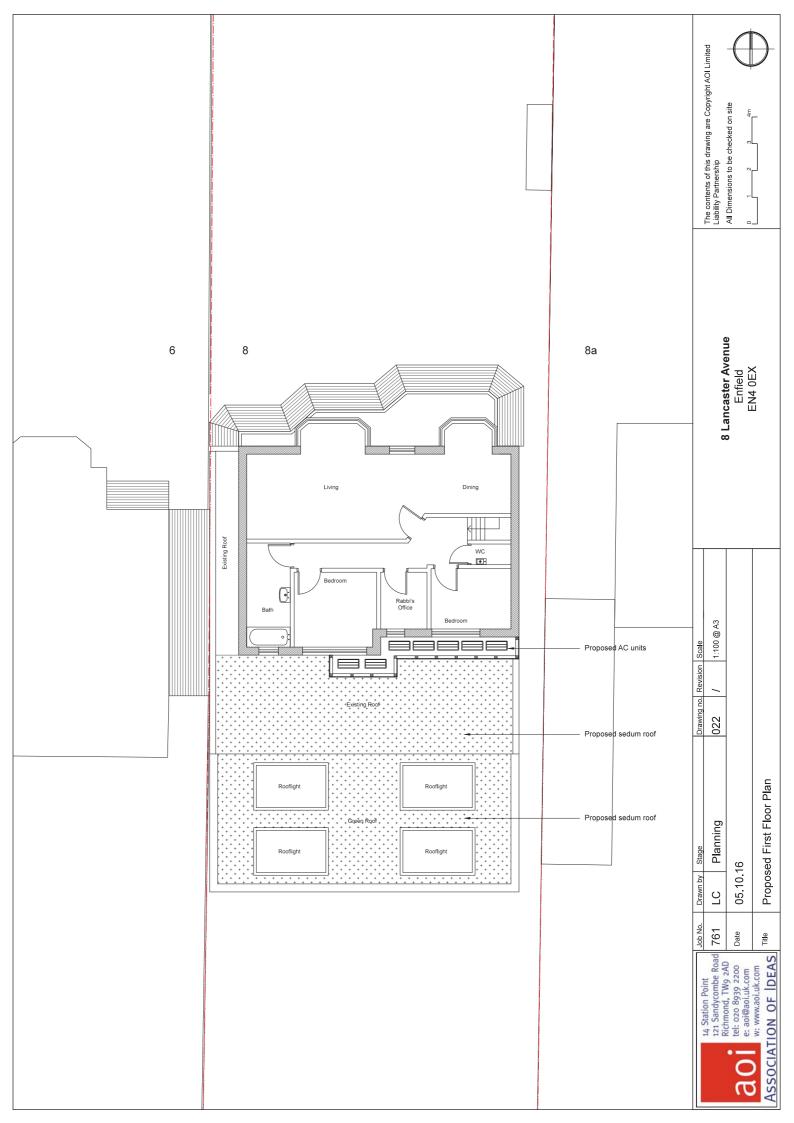
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Date	05.10.16				
Title	Location Plan				

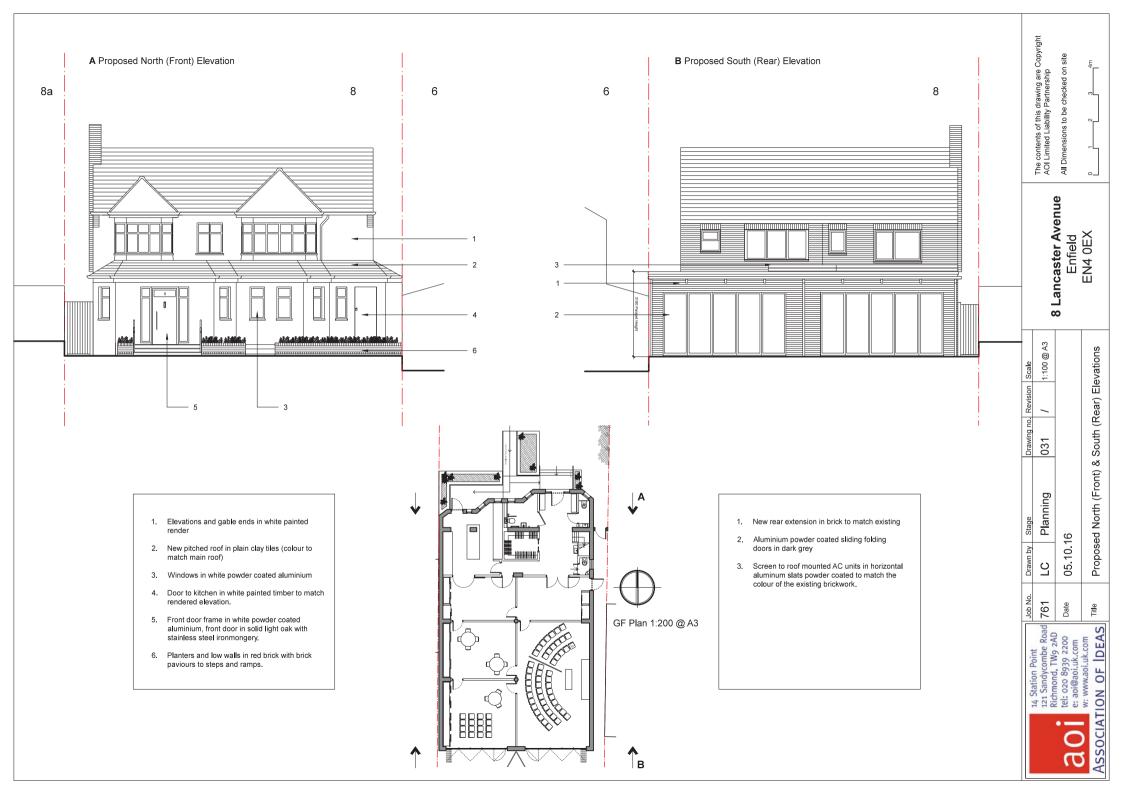
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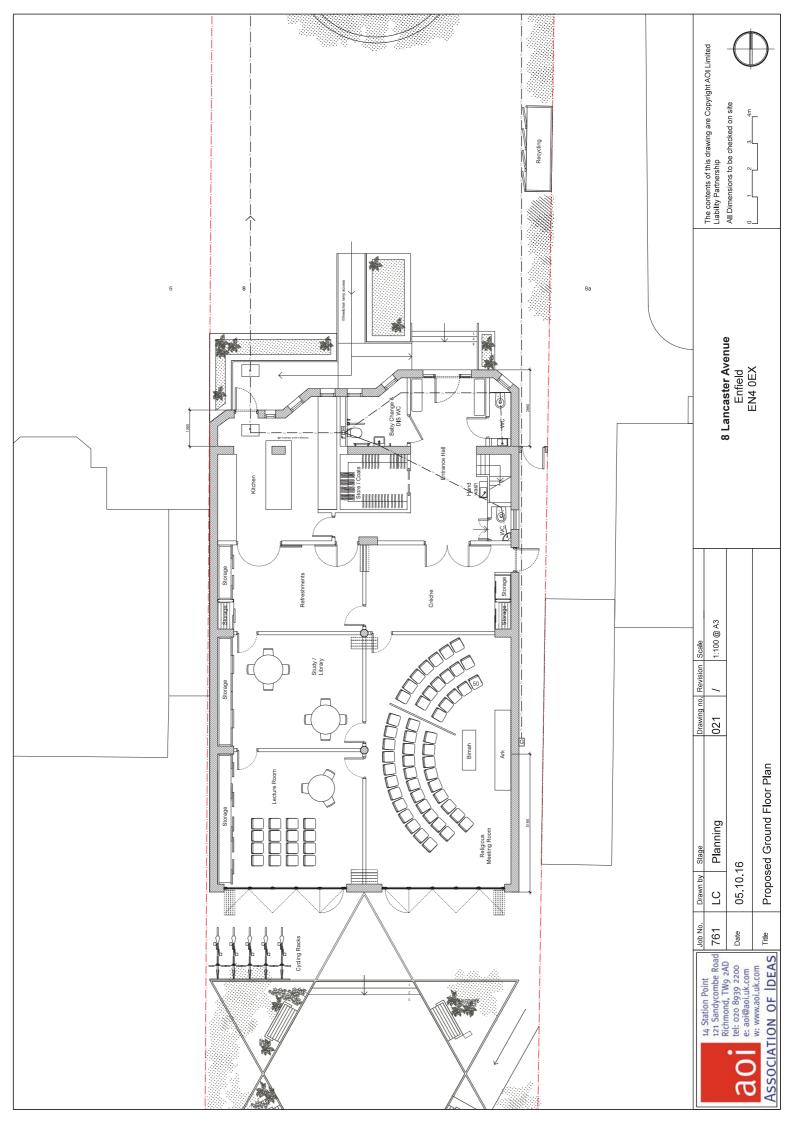
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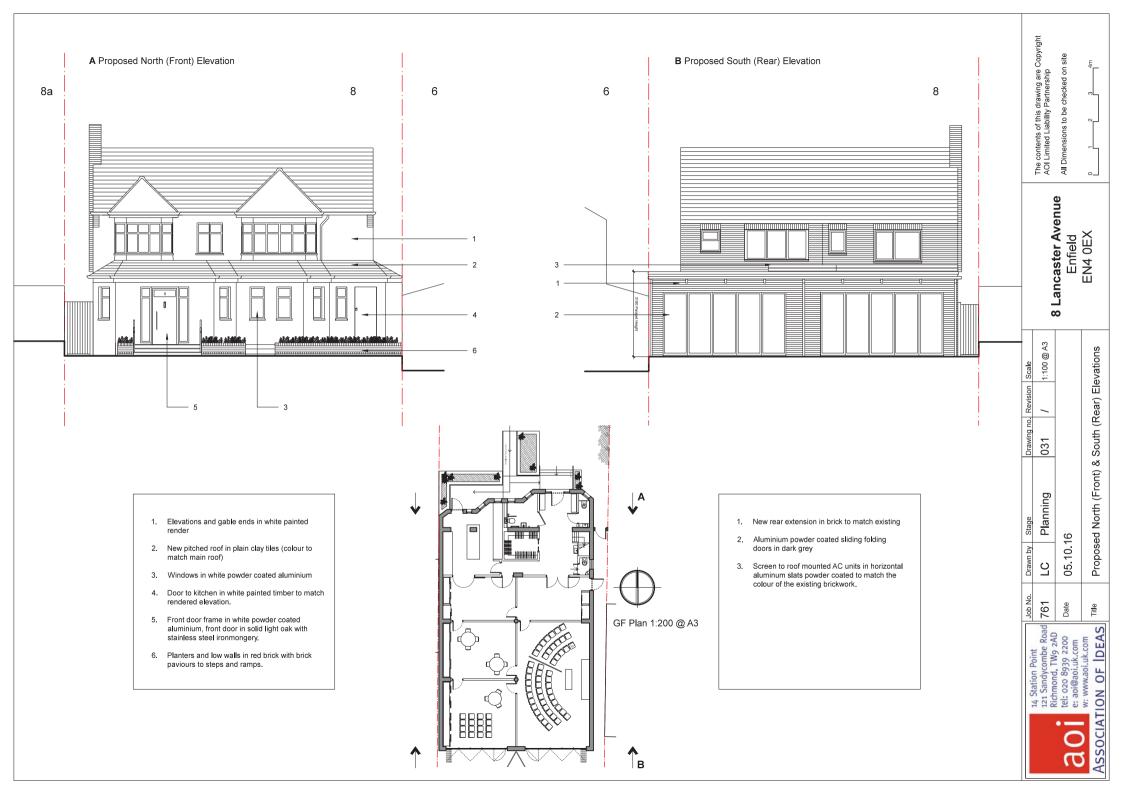


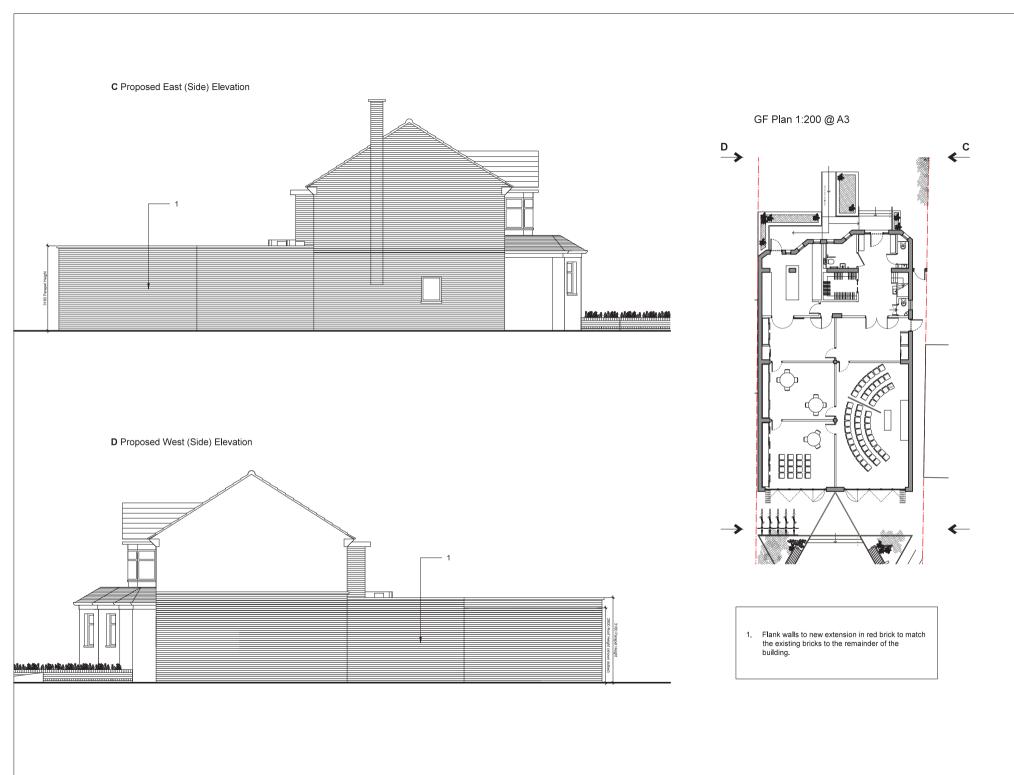












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Proposed East (Side) & West (Side) Elevations 032 Planning 05.10.16 $^{\circ}$ 761

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