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Urban Design Proof of Evidence

CD 13.3

**Land Formerly Known as British
Gas Works, Albert Road, New
Barnet, EN4 9SH**

Appeal ref: PP-09983846

Planning application

Ref: 21/3676/FUL

On behalf of

Citystyle Fairview VQ LLP

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1. Qualifications and Experience

- 1.1. My name is Colin Michael Pullan. I am Head of Urban Design and Masterplanning at Lambert Smith Hampton (LSH). I hold a Bachelor of Arts Degree in Planning and a Post Graduate Diploma in Urban Design. I am on the executive of, and former Chair of, the Urban Design Group, a membership charity established in 1978 open to all who care about the quality of life in our cities, towns and villages and believe that raising standards of urban design is central to its improvement.
- 1.2. I have over 30 years' experience as an urban designer in the private sector, covering all design matters. I studied at the Oxford Polytechnic JCUD (now Oxford Brookes), one of the most distinguished urban design universities before moving into private practice as an urban designer/masterplanner at Thamesmead Town Ltd from 1987. From Thamesmead Town Ltd I moved into a private consultancy at Town Planning Consultancy in 1995 and then Chapman Warren Associates in 1999, during which time my experience broadened to take on national projects and more general planning and urban design issues.
- 1.3. From 2000 until 2011 I worked at RPS, a multidisciplinary practice where my responsibility as Urban Design Director was to provide sound urban design advice to public and private sector clients, with an awareness of both current and emerging best practice. In February 2011 I joined Nathaniel Lichfield and Partners (now Lichfields). In January 2019 I joined LSH to head up their urban design team.
- 1.4. I have been the principal urban designer on many residential projects for both private and public sector clients and have very considerable experience in the preparation of layout and masterplans supported by development strategies, development briefs and design statements. I have presented urban design evidence at appeal covering issues that are pertinent to this appeal, including matters of townscape character, outlook and amenity.
- 1.5. In December 2019, I presented urban design evidence on behalf of St. William at appeal for residential development at a former gasworks in Hertford. Matters addressed included the impact of development at the edge of the town and from the towpath and open spaces adjacent to the River Lee Navigation, height, scale, character and context. The appeal was allowed January 2020.

- 1.6. In June 2020 I presented urban design evidence on behalf of Fairview New Homes at appeal for residential development at a former Blood centre in Brentwood, wherein matters addressed included the impact of height, scale, character and the relationship of new apartments next to existing houses. The appeal was allowed in July 2020.
- 1.7. In 2021 I presented evidence on behalf of Redrow Homes at appeal for a mixed use predominantly residential development in New Maldon. Matters addressed included height, scale, massing and townscape and character. The appeal was allowed June 2021.
- 1.8. In 2021 I presented evidence on behalf of Fairview New Homes for a conjoined Inquiry on two residential development sites in Loughton, Epping Forest. Matters addressed included the effects of development upon local character, scale, privacy outlook, parking and amenity. Both appeals were allowed in June 2021.
- 1.9. In 2021 I presented evidence on behalf of Inland Homes at appeal for a development of two residential towers in Staines upon Thames town centre. Matters addressed included the visual effects of the proposed buildings on townscape and character. The appeal was allowed February 2022.
- 1.10. In 2021 I presented evidence on behalf of Square Bay for a mixed use regeneration development at the Silver Lane / Feeder Canal site, Bristol. The scheme proposed a new community within a newly designed industrial conservation area. The appeal was allowed April 2022.
- 1.11. In 2022 I presented evidence on behalf of Fusion Students for a new student accommodation tower of up to 23 storeys at Deansgate and within the Great Jackson Street regeneration area of Manchester. Matters addressed included design quality, character, context and the effects of the new building upon townscape. The appeal was allowed May 2022.
- 1.12. In 2021 I presented urban design evidence at a called-in Inquiry in support of a masterplan for residential development within the AONB at the edge of Cranbrook, Kent. One of the main issues of the appeal was the effect of the proposal on the character and appearance of the area.
- 1.13. I am familiar with the appeal site and surrounding area and I have studied the relevant national, regional and local plan policy background.

- 1.14. I was first appointed by Citystyle Fairview VQ LLP in October 2020 to review the refused application scheme (application reference 20/1719/FUL) for the appeal site (hereafter referred to as the “**The Refused Scheme**”). The scheme had been presented to Council Members with a recommendation for referral to the Mayor of London and subject to this officer’s recommendation that the application should be approved. However, members voted against officer's recommendation and the scheme was refused. Having reviewed the Refused Scheme October 2020, I came to the conclusion that I could support the officer's recommendation for approval. As part of my review I also recommended a number of design changes to improve the scheme to assist in addressing the issues raised by members, which included changes relating to the plotting of buildings, separation distances between apartments, and the location of facing windows, amenity and building height. I noted at the time that the architects of the Refused Scheme had clearly taken a different path to the implemented scheme (hereafter referred to as the “**Combined Permitted Scheme**”) and I considered the merits of both layouts. Having regard to the submission material, including design commentary and engagement between the project team and Council and responses to third party comments that occurred as part of the pre-submission application process and post submission amendments, I was satisfied that I could support the design. I was appointed to prepare evidence in support of the appeal scheme in February 2022.
- 1.15. My evidence is confined to urban design matters. I confirm that, insofar as the facts stated in my evidence are within my own knowledge, I have made clear what they are, and I believe them to be true; and that the opinions I have expressed represent my true and complete professional opinion irrespective of by whom I am instructed.

2. Summary and Conclusion

- 2.1. This Urban Design evidence has been prepared on behalf of Citystyle Fairview VQ LLP (“**the Appellant**”), in support of a planning appeal against the refusal by London Borough of Barnet (“**LBB**”) on 22nd February 2022 of an application for planning permission (LPA ref: 21/3676/FUL) at Land Formerly Known As British Gas Works Albert Road New Barnet EN4 9SHT) for the following works:

*“Redevelopment of the site to provide 539 residential units (Use Class C3) within 13 buildings ranging from 4 to 7 storeys, with 267.1sqm of retail/commercial space and 112.7sqm of community space (Use Class E and F) at ground floor, new public realm with communal landscaped amenity areas, alterations and additions to existing highways arrangements plus the removal of existing elevated footbridge and creation of new pedestrian routes, 334 car parking spaces (including car club and accessible provision) with basement and surface level provision, secure cycle parking, servicing and other associated development (Amended Plans and Amended Description) Land Formerly Known As British Gas Works Albert Road New Barnet Barnet EN4 9SHT” (the “**appeal scheme**”).*

- 2.2. The application was reported to the Planning Committee on 22nd February 2022 (CD 3.1) with officers’ recommendation that planning permission should be granted subject to the completion of a S106 Agreement. However, Members of the Committee resolved to refuse planning permission for three reasons, subject to referral to the Mayor of London.

- 2.3. The Appellant informed the Council on the 23rd February 2022 of the intention to appeal the application against non-determination as such no Stage 2 referral to the GLA has taken place. The Council’s Statement of Case (“**Sofc**” - CD 7.2) note the reasons for refusal (“**rfr**”) and those relevant to design matters were as follows:

“1. The proposed development, by virtue of its scale, massing and density would represent an over development of the site resulting in a visually obtrusive form of development that would fail to respect its local context and the pattern of development in the area, to such an extent that it would be detrimental to the character and appearance of the area. The proposal would therefore not constitute a sustainable form of development and would be contrary to the provisions of the NPPF; Policies D3 & D4 of the London Plan (2021); Policies CS NPPF, CS5, DM01 and DM05 of the Barnet Local Plan Core Strategy and Development Management Policies (2012).

2 *The proposed development by reason of its density, design and layout, would provide an unsatisfactory standard of residential accommodation due to the poor layout of some of the proposed flats, poor outlook and limited natural light. The proposal would therefore represent a poor form of development to the detriment of the amenity and living conditions of future occupiers. Therefore the proposal is contrary to the provisions of the NPPF; Policies D4 & D6 of the London Plan (2021); Policy CS5 of the Local Plan Core Strategy (2012); Policy DM01 and DM02 of the Development Management Policies (2012); the Council's Residential Design Guidance SPD (2016); and Sustainable Design and Construction SPD (2016)."*

- 2.4. However, the Strategic Planning Committee resolved on the 16th June 2022 to withdraw rfr 2.
- 2.5. The remaining urban design related rfr 1 is similar to that which was given for the Refused Scheme, despite there being a number of changes made which officers considered had overcome the previous reasons for refusal identified by Members.

Scope of Urban Design Evidence

- 2.6. This evidence appraises the urban design merits of the appeal scheme in light of relevant national and local planning policy and guidance and addresses. With regard to rfr1, the Council's Statement of Case ("**SofC**") and that of the New Barnet Community Association ("**NBCA**"), rule 6 party. It considers:
- The character and context of the area;
 - The appropriateness of the appeal scheme; and
 - Design quality.

Context

- 2.7. The appeal site has well defined boundaries and is within very short distance of New Barnet District Centre.
- 2.8. The appeal site does not lie within a conservation area and does not contain any listed buildings, or is within the setting of any protected views. This is not an area of particular local distinctiveness. The surrounding housing is not identified for any particular characteristic or feature that differentiates it from other housing areas in the borough.
- 2.9. The appeal site lies within an area of regeneration and change, identified as an area of opportunity in the New Barnet Town Centre Framework 2010 – the 'Victoria Quarter'

("NBTCF" CD 6.3). The principle of intensification and change is seen by the Council as a positive, and the Council and NBCA* supported development on the appeal site through approval of a number of permissions cumulatively for 371 dwellings, the 'Combined Permitted Scheme', the form of which is a contrast in scale, density, pattern, height, scale, massing and style to the surrounding residential areas outside of the town centre.

*para 1.6 of the NBCA SofC (CD 7.3)

The principal Urban Design Issues

2.10. By email of 17th June 2022 and with reference to their SofC, the Council stated that in respect of rfr 1, breaches of NPPF paragraphs: 126, 130 and 134. And with regards to Policy D3, breaches of:

"i) at A, the Council consider the appeal scheme is not a form that responds to the site's context.

ii) The council relies on part 1 and 11.

" In respect of part 1, the scheme does not, in the council's view, enhance local context by positively responding to local distinctiveness relating to the low-rise suburban character in the identified surrounding streets and the openness of Victoria Recreation Ground. For local distinctiveness the council rely on the New Barnet Town Centre Framework, the 2010 Characterisation Study, and professional judgement.

In respect of part 11, the council consider that the scheme does not respond to existing character; under this part of the policy, it is for the development proposal to identify special and valued features and characteristics (although the council would point to the surrounding streets and the openness of the park)."

2.11. Considering the Rfr and the SofCs from the Council (CD 7.2) and NBCA (CD 7.3), I consider that the principal urban design issues to be addressed concern:

- The effect of the proposed development on the character and appearance of the surrounding area; and
- Design quality (the response of the appeal scheme to the above).

Conclusion

- 2.12. Whilst the appeal scheme will of course give rise to change, I do not consider this to be harmful to the local character and context. The supporting text for London Plan Policy D1 (London's form, character and capacity for growth, page 106 para 3.1.7) states that:

"As change is a fundamental characteristic of London, respecting character and accommodating change should not be seen as mutually exclusive. Understanding of the character of a place should not seek to preserve things in a static way but should ensure an appropriate balance is struck between existing fabric and any proposed change. Opportunities for change and transformation, through new building forms and typologies, should be informed by an understanding of a place's distinctive character, recognising that not all elements of a place are special and valued." (London Plan 2021)"

- 2.13. The extant permissions of the Combined Permitted Scheme demonstrate that the 'opportunity for change and transformation through new buildings and typologies' that are significantly different from the prevalent form and character of surrounding suburban housing estates has been accepted by the Council and the NBCA.

- 2.14. Notwithstanding the support for the design, height and massing of the appeal scheme as set out in the Officer's Report (CD 3.2); the assertion is made in the NBCA's SofC (CD 7.2, para 7.2) that the appeal scheme is not appropriate. From experience, through a process of resolving options for a site it is not uncommon for there to be more than one acceptable urban design solution. That a scheme of lower overall height, smaller blocks, a greater amount of amenity space than required and one which provides more dwellings within a sustainable location may be more appropriate, is not articulated by the NBCA. Considering the merits of both the appeal scheme and Combined Permitted Scheme, I supported the intention of the architect team, having undertaken a review of options for the appeal site as described in the DAS, to resolve the issues raised by Members relating to the Refused Scheme.

- 2.15. In this context, I would summarise that the only issue concerning character and appearance is whether there is a material, harmful effect upon the existing character arising from the difference between the appeal scheme and the Combined Permitted Scheme.

- 2.16. To arrive at a balanced judgement as to whether a scheme is harmful or not upon the quality of its surroundings and represents good design, it is necessary to undertake a careful assessment of the appeal scheme in light of the urban design related policies, guidance and other matters referred to in the rfr 1. There are a number of relevant design criteria set by the policies referred to in the rfr and guidance which helps provide a basis upon which the appeal scheme's appropriateness can be appraised. I set out my analysis against relevant design polices and guidance within this evidence at Section 9. I leave it to others to accord weight to those documents. Accordingly, this evidence undertakes an appraisal of the design quality of the appeal scheme against the objective design criteria set by the NPPF and the National Design Guide (NDG).
- 2.17. I believe the appeal scheme would enhance and positively contribute to the local character, replacing a vacant site with well-designed buildings and attractive amenity spaces that successfully integrate into their context. It is, in my opinion, the right form of development, in the right place.

Structure

- 2.18. This evidence is set out in the following sections:
1. This Section summarises the scope of this urban design evidence.
 2. Sections 3 and 4 summarise the appeal site and its surrounding context/character.
 3. Section 5 summarises relevant planning history.
 4. Section 6 provides an overview of the appeal scheme.
 5. Section 7 considers the planning policy and guidance context to the appeal.
 6. Section 8 summarises the design evolution of the appeal scheme.
 7. Section 9 sets out the design quality of the appeal scheme with regard to the National Design Guide (NDG).
 8. Section 10 addresses rfr 1.
 9. At Section 11, I address third party comments.
 10. Section 12 concludes this evidence.

3. The Appeal Site

Location

- 3.1. The appeal site lies within a sustainable location, within close walking distance (200m) of New Barnet Station and the town centre.
- 3.2. The appeal site is self-contained with well-defined boundaries.
- 3.3. To the north of the appeal site is the National Grid depot. See Figure 1 below.



Figure 1: View to appeal site boundary from within park looking north towards gasometer. The mature tall trees to the left of frame are a feature of the boundary to the appeal site and serve to contain and define the edge to the park. The gasometer is decommissioned and understood to be dismantled

- 3.1. To the east of the appeal site is Victoria Park, a large, open space which separates the appeal site from residential areas beyond to the north and east. A tree lined footpath crosses the park from a play area to the north east toward Victoria Road to the south west. Heading south along the path one can see the tall buildings of the town centre above the south eastern corner of the appeal site (See Figure 2 below).



Figure 2: View south along the path through the Park looking towards the town centre along the park. The blue timber boundary appeal site is seen mid ground

- 3.2. As one approaches the edge of the Park towards Victoria Road, one passes nearest to the south eastern edge of the appeal site, where the proposed new public connection and public space would be. South of this proposed entrance the footpath exits through a tight, unattractive space that lacks surveillance and whilst lit, is not inviting. See Figure 3 below.



Figure 3: Footpath link from Victoria Road towards Victoria Park. Source Google Earth

- 3.3. At the eastern boundary of the park is a new leisure centre. This is a large, contemporary and bespoke building that has been designed to positively address the park. See Figure 4.



Figure 4: The new Leisure Centre at Victoria Park. The building addresses the edge of the Park to the east. It is of a contemporary design in buff brick

- 3.4. At the town centre to the south and south west of the appeal site, there is a greater intensity and pattern of development. The character includes dense, tall buildings up to eleven storeys, and, as noted earlier, these are visible from Victoria Park. See Figures 5 and 6.



Figure 5: View to southern corner of the appeal site from across the town centre noting diverse variety in density, built form and character. Bottom left of frame is Kingmaker House which is also on higher ground than the appeal site. Evident in this view is also the planting along the railway line. Source Google Earth



Figure 6: Kingmaker House Sheen Road, New Barnet to the south of the appeal site

- 3.5. To the immediate south of the appeal site on Albert Road the character is mixed. Adjacent to the southern boundary is a new five storey apartment block at no. 9 Albert Road. The building is of a contemporary, plain style with limited decoration – principally to the window surrounds. The set-back upper storey is differentiated by a change in materials. The scheme was approved in 2020. The apartments lie adjacent to the more diminutive two storey public houses, See Figure 7.



Figure 7: Flatted development at 9 Albert Road towards the entrance to the appeal site. The built form, height, scale and materials bear no relation to the adjacent, traditionally styled, Builders Arms public house

- 3.6. Commenting on the proposals for no. 9 Albert Road, the Delegated Officer's Report was supportive of that scheme (**Appendix 1**) for the reasons which included those set out below:

...Density

..The proposal has been calculated as having 37 habitable rooms and has an estimated size of 0.0435ha. Based on this, the density would equate to 206.9 units per hectare (850 habitable room per ha) which exceeds the London Plan density matrix which stipulates a range of 35-95 units per hectare and 150-250 habitable rooms per hectare.

It must be noted that density however is not the only indicator on whether development is suitable. The NPPF stipulates that planning decisions should "optimise the potential of the site to accommodate development" and development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. This will be discussed in more detail in the following section. The scheme is relatively small in scale and would include a mix of units and as such is considered to be acceptable in principle.

Impact on the character of the area

Whilst planning does not seek to replicate design, development, whether modern or traditional in style, should be harmonious and sympathetic to its setting, particularly in such a constrained site. The modern style of building and indicative materiality would be acceptable in principle, particularly given the mixed nature of the site. In general, the proposal is considered to be in accordance with the general character of Albert Road, particularly considering the regeneration site, and as such the scheme is acceptable in this regard."

- 3.7. The scheme at no. 9 Albert Road is of a higher density (206.9 dph) than the appeal scheme (which is 180 dph).

- 3.8. It is evident from the above that the Council accepted:

- An urban density - greater than the appeal scheme; and
- A contemporary design in brick, considered harmonious with the mixed nature of the site.

4. Context and surrounding Character

- 4.1. The context of the appeal site is examined in the Design and Access Statement (DAS CD 1.3) and summarised within the Urban Design Statement of Case annexed to the Appellant's SofC (CD 7.1). Informed by the above, the following is a summary of the key features.
- 4.2. The appeal site is not within a conservation area and there are no statutory or locally listed buildings on the appeal site. There are no protected or views of note across the appeal site.
- 4.3. Figure 11 below illustrates the setting of the appeal site relative to New Barnet town centre, the extent of Victoria Park, the dense woodland planting along the railway embankment to the east and beyond the park, the suburban housing areas. The new leisure centre is not shown on this aerial image, but occupies the area of former recreational bowls and tennis pitches.



Figure 11: This view from Google Earth view looking east across Victoria Park illustrates the self-contained context of the appeal site as described above. Inset Figures 12, 13, 14 and 15 illustrate the variety of built form within the wider residential areas

- 4.4. The surrounding residential streets to the north west and west of Victoria Park are characterised by a range of dwellings, of different height and scale, age and style as shown at Figures 12 - 15 and identified at Figure 11 above. There is little evident local distinctiveness to the overall mix which is typical of many outer London boroughs.



Figure 12: Victoria Road



Figure 13: View along Park Road. Source Google Earth



Figure 14: View along Baring Road. Source Google Earth



Figure 15: View of Armstrong Crescent. Source Google Earth

Characterisation Study of London Borough of Barnet 2010

- 4.5. The Characterisation Study of London Borough of Barnet 2010 (**CSLBB** CD 6.8) provides an appraisal of the Borough and local context. It refers to the Borough as follows:

“Barnet is predominately suburban in character, and is mainly made up from detached, semi-detached and terraced housing. Barnet also has 20 town centres that provide a range of commercial, retail and leisure facilities”

- 4.6. It would be fair to say that overall, like most outer London Boroughs, the wider context is suburban. However, as recognised by the CSLBB (CD 6.8), there are areas other than suburban in character and this regard, considering the proximity to the town centre, the scale of the new leisure centre and the Combined Permitted Scheme, the appeal site can be reasonably seen as part of the urban context of New Barnet. It is accepted that there is a suburban residential context nearby. However, the scale of nearby development, the density, height, and pattern of development accepted by the Council at the appeal site through the Combined Permitted Scheme, is clearly urban in character and supports an urban response.
- 4.7. With reference to the CSLBB (CD 6.8), the appeal site, National Grid depot and Victoria Park lie within the New Barnet Character Area as shown at Figure 16 below.



Figure 16: CSLBB Parts 3 and 4 identifying character of appeal site and local context

- 4.8. Within the New Barnet Character Area, the study states:

“The character area includes three areas of core typology, at Great Northern Road, New Barnet Station, and East Barnet Village, and a limited extent of big box typology with a scattering of industrial and large retail uses, especially along the railway lines. There is one

small area of residential estate typology, and no significant areas of campus typology. The most predominant form of residential street type is secondary typology C (suburban)."

- 4.9. With reference to Figure 16, the appeal site, depot and Victoria Park lie within a primary typology of 'big box', adjacent to the 'town centre core'. The suburban residential streets typologies identified by the CSLBB are separated from the appeal site by the depot and Victoria Park.

The CSLBB (CD 6.8) does not identify any element of local distinctiveness nor any existing features within the residential context of the appeal site which are special and valued and which are unique to the locality within the context of the appeal site. And, as the London Plan (CD 5.1) makes clear (see above at my paragraph 2.12), it has to be recognised that "not all elements of a place are special and valued." Notwithstanding this, at 6 the DAS (CD 1.3) undertakes an appraisal of the local context and character and identifies the importance of landscape (along suburban streets and of Victoria Park), and for brick buildings of a muted style to be deferent to the landscape.

5. Planning History

- 5.1. The planning history is set out in the Appellant's SofC (CD 7.1). In summary the principle of regenerating the appeal site for tall buildings at an urban density and scale; of a different character to that around, is accepted by the Council.

The Combined Permitted Scheme

- 5.2. The appeal site benefits from a number of permissions. The Combined Permitted Scheme comprises 371 units; 618sqm of mix use commercial floorspace and 396 car parking spaces. The Combined Permitted Scheme proposes ten development blocks up to eight storeys. Figures 17 and 18 below illustrate the proposed form of development in 3D and plan.

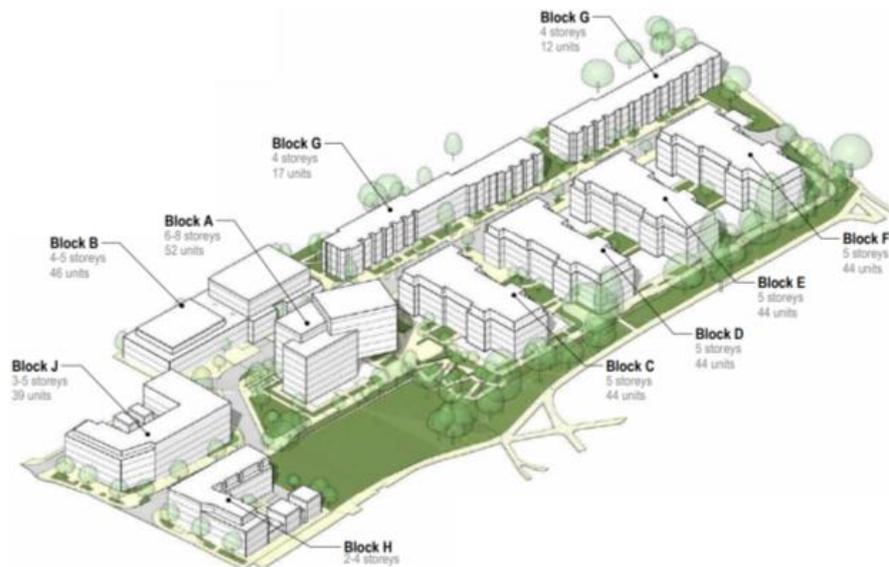


Figure 17: Density, scale, massing and pattern of development. Combined Permitted Scheme. DAS page 28 (CD 1.3). As illustrated above the gaps between the finger blocks contracted from 20m to 15.5m (as measured between C and D, D and E and E and F)

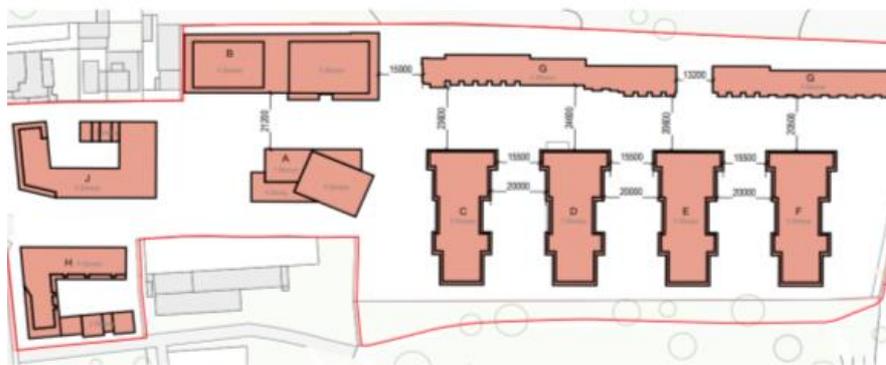


Figure 18: Layout and pattern of development. Combined Permitted Scheme. DAS page 28 (CD 1.3). As illustrated above the gaps between the finger blocks contracted from 20m to 15.5m (as measured between C and D, D and E and E and F)

- 5.3. There is an urban character to the Combined Permitted Scheme, informed by the scale of development, the coarse grain (large footprints), the mix of uses, the enclosure of street and open spaces - quite unlike the character of the suburban streets to the north west and west beyond Victoria Park. Architecturally the buildings are all similar (See Figure 20 below).
- 5.4. Buildings are up to eight storeys, Block A the tallest at eight storeys is located towards the park entrance and would have been prominent in views along the existing path through the park. At the park edge buildings (C, D, E, and F) are a uniform five storeys. Along the railway line there is linear development at four storeys with two breaks (Blocks B and G).
- 5.5. The edge to Victoria Park would have been defined by the continuous view of Blocks C, D, E and F as seen obliquely from the path or within the space and Block A. These blocks would have appeared as an almost stepped continuous built / urban edge, incongruous to the regular built edges to the park to the north west.
- 5.6. Stood immediately opposite the spaces between the parkside blocks would one have been able to see into the scheme towards the spine road. Between Blocks C, D, E and F the view would have been of the linear blocks G in the background – contained and visually tightened by the narrowing gap between the finger blocks towards the spine road.
- 5.7. The separation distances between facing windows of Blocks C and D, D and E, and E and F would have been below the 18-21m guidance of the London Housing SPG (the present 2016 version and 2012 edition), and there would have been a number of single aspect south and generally north facing dwellings which would have been subject to overlooking from adjacent and opposite windows/balconies. See Figure 19.

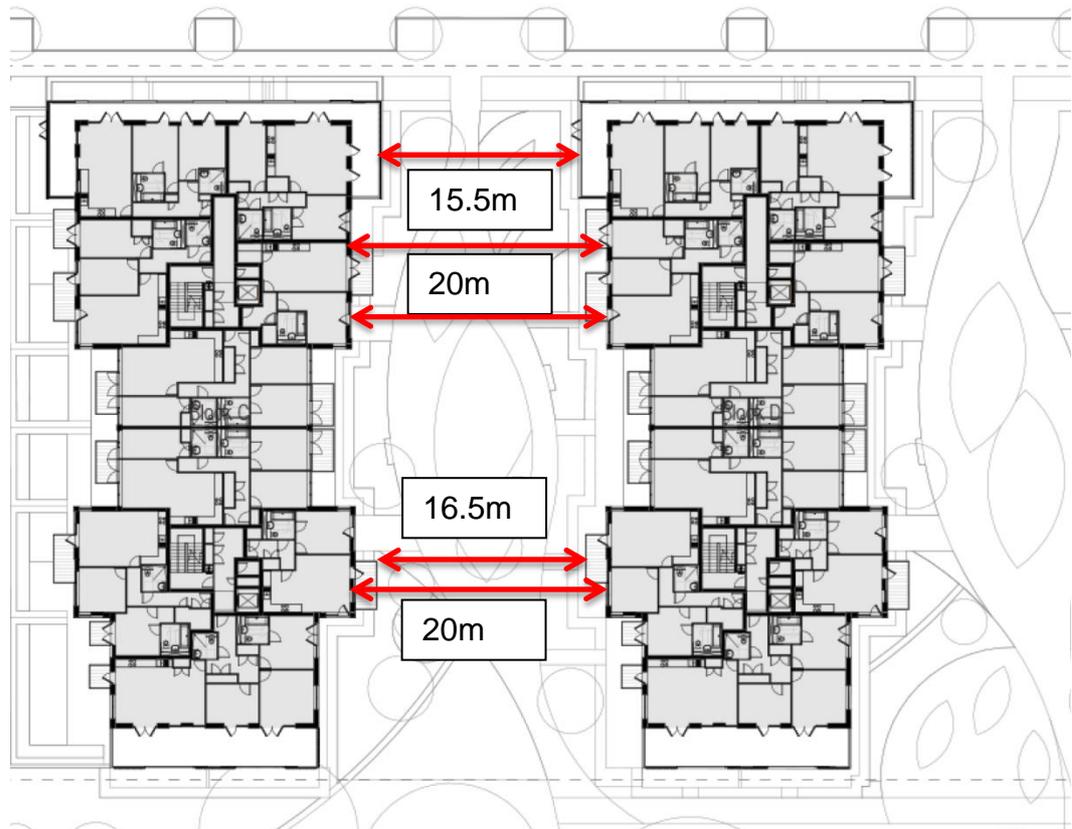


Figure 19: Blocks C and D third floor illustrating separation distances between facing habitable rooms and balconies (as measured from application drawing: B_04834_14-COMBINED_PLAN_THIRD_FLOOR_PLAN-2857969)

5.8. Commenting on separation distances, the Committee Report (CD 13.2) noted that an intimate relationship is typical of this type of housing:

“Blocks C, D, E and F relationships: In between the blocks is a variable separation with pinch points, particularly at the western end which is down to 15m...Across the forecourt of the mews, the separation is down to 10m...Furthermore, the intimate mews relationship is typical this type of housing in London, and considered an acceptable response to the land constraints in this part of the site.”

5.9. The Committee Report did not comment on the views between facing balconies as shown above at Figure 19. The proposed buildings were sited closer to each other than of the appeal scheme.

5.10. In terms of character, the Combined Permitted Scheme does not replicate or draw upon the suburban residential areas as identified at Section 3. Figure 20 below illustrates contrasting contemporary style of building with light cladding, dark roofs and glazed balconies. These

buildings would have been out of character with the surrounding 2 storey suburban estates of detached semi-detached and terraced houses; and the relationship of the ‘finger’ buildings to Victoria Park, of flanks addressing the park boundary and dwellings principally overlooking the space between blocks, incongruous to the surrounding dwellings that address the park with the principal elevation as shown at Figure 11.



Figure 20: Character of the Combined Permitted Scheme. Source Submission material

The Refused Scheme

5.11. The Refused Scheme (ref.20/1719/FUL) is illustrated below at Figures 21 and 22.

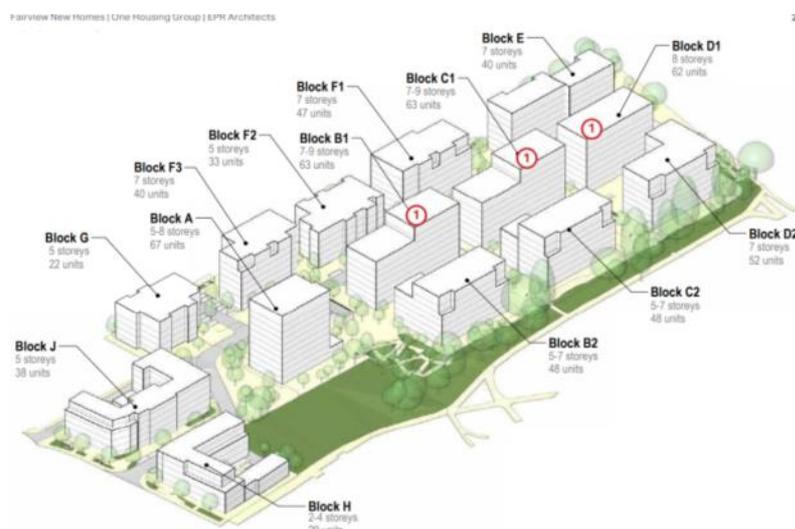


Figure 21: Density, scale, massing and pattern of development. Refused Scheme. DAS Page 29 (CD 1.3)



Figure 22: Layout, density, scale, massing and pattern of development. Refused Scheme. DAS Page 29 (CD 1.3)

5.12. Common to the layout of the Combined Permitted Scheme are the principal tree lined street spaces and the perimeter block arrangement to the south and along Victoria Road (Blocks J and H). The principal differences between the two schemes are:

1. An increase in height. Five – seven storeys at the park (Blocks B2, C2 and D2) and railway edges (E, F1, F2, F3), five to eight storeys within the layout (Blocks A, B1, C1, D1).
2. The replacement of the linear blocks against the railway with pavilion apartment blocks.
3. The replacement of the finger blocks set towards the park with six blocks aligned north-south affording dwellings an east / west aspect as opposed to north / south.

5.13. The Committee Report (CD 12.5) prepared for the Planning Committee on 2nd September 2020 recommended that planning permission for this scheme be granted subject to conditions, a S106 agreement and referral to the Mayor of London. However, the officer's recommendation was not supported and Members of the Committee resolved to refuse the application (13th October 2020). Of the three reasons for refusal, rfr 1 is similar to that of this appeal scheme except for matters of height and that the London Plan has been updated:

"1. The proposed development, by virtue of its excessive height, scale, massing and density would represent an over development of the site resulting in a visually obtrusive form of development that would fail to respect its local context and the pattern of development in the area, to such an extent that it would be detrimental to the character and appearance of the area. The proposal would therefore not constitute a sustainable form of development and would be contrary to the provisions of the NPPF; Policies 3.4, 7.4, 7.6 and 7.7 of the London Plan (2016); Policies CS NPPF, CS5, DM01 and DM05 of the Barnet Local Plan Core Strategy and Development Management Policies (2012).

5.14. The development proposals for the appeal site were amended in the following ways in order to address the reasons for refusal:

1. Reduction in the quantum of residential units from 652 to 539 (-113 dwellings).
2. Reduction in the height of Block A from 8 to 7 storeys.
3. All remaining blocks designed at 7 storeys or below.
4. Amendments to the layout of the flats to optimise orientation.
5. Separation distances between building blocks set to a minimum of 20 metres to optimise daylight and sunlight and improve outlook.
6. Inclusion of 4-bedroom dwellings.
7. Increased quantum of on-site playspace.
8. Provision of 267.1sqm of commercial floor space, 112.7sqm. of community use.
9. Provision of 334 parking spaces.

6. The Appeal Scheme

- 6.1. The details of the appeal scheme are set out in the DAS (CD 1.3) and DAS Addendum (CD 1.4).
- 6.2. The proposed scheme is for the redevelopment of the site to provide 539 homes within 13 apartment buildings. The appeal scheme is laid out in a series of blocks arranged north – south with regard to the locational characteristics and constraints including the railway line and embankment to the west; the retained National Grid depot including its right of access to the north; Victoria Park to the east. See Figure 23.
- 6.3. A central tree lined spine road extending from Albert Road serves the appeal scheme and National Grid depot. The spine road draws upon the tree planting of some of the suburban residential areas as described by the DAS (CD 1.3).



Figure 23: Proposed Site Plan – DAS Addendum CD 1.4

- 6.4. As with the Combined Permitted Scheme, connectivity improvement is proposed by removing the elevated caged pedestrian link and re-providing at surface level with a new staircase to the network rail foot tunnel.
- 6.5. The proposal will provide mix of flat types, including 1-bed, 2- bed, 3-bed and 4-bed family units. Of the 539 homes, 35% will be proposed as affordable housing calculated by habitable room, a total of 149 dwellings in both London Affordable Rented and Shared Ownership

tenures. A breakdown of the proposed tenure split is provided within the DAS Addendum supporting the application (CD 1.4).

- 6.6. With the exception of Blocks J and H to the south (which remain largely the same as the Combined Permitted Scheme), the development blocks are generally visibly smaller in footprint and, of a less coarser grain than the Combined Permitted Scheme affording more space for landscaping.
- 6.7. To the south, Blocks H & J along Victoria Road are gateway / entrance blocks that connect the Town Centre to the appeal scheme with new active frontage provided at ground floor level. Block H is at two and four storeys. Block J is at one and five storeys.
- 6.8. To the west, Blocks E, F1-4, G back along the wooded railway embankment and front the tree lined spine road/ extension of Albert Road. Block E is seven and six storeys. Blocks F1 –F3 are five and six storey. Block F4 is at seven storeys. Block G is at five storeys.
- 6.9. The 'Park Plaza and Approach Building' (Block A) is located to the south of the appeal scheme and would act as a visual marker providing a way-finder for pedestrian movement from the gateway into the site and through to the proposed new access to Victoria Park. Block A is at five and seven storeys.
- 6.10. Blocks B2, C2 and D2 address Victoria Park and a large courtyard amenity space at six, seven and seven storeys respectively. Blocks B1, C1 and D1 address the tree lined spine road and the courtyard amenity space and are at seven storeys.
- 6.11. Having regard to the landscape setting of Victoria Park and beyond, the suburban housing areas, the appeal scheme provides a significant amount of open space and the principal street is tree lined. Amenity spaces (public and private) provide a strong landscaping to the buildings (a characteristic described by the DAS (CD 1.3) at Section 6), buildings address the park and green spaces and new links are created to the park. The appeal scheme provides some 13,336sqm of amenity space, as measured from my Figure 24, comprising: play space, public open space; communal amenity space and private balconies and terraces. This provision is in excess of the Council's requirements amenity space requirements of 7,945sqm as noted in Officer's Report (CD 3.1 para: 3.2.15).



Landscaped areas within appeal scheme

	Appeal site boundary	
	Public open space (Park Plaza @1,722sqm including play area and Gateway Garden @629sqm)	2,351sqm
	Communal amenity space (including play areas)	5,402sqm
	Other areas of landscaping Balconies and terraces (not shown)	1,341sqm
		5,583sqm

Figure 24: Measured Open Space Areas

7. Planning Policy Framework

- 7.1. This section summaries relevant design related policies and guidance. The development plan for the area includes the London Plan of 2021 and the Barnet Core Strategy (CS) and Development Management Policies (DMP) of September 2012.

National Planning Policy Framework (NPPF) July 2021 (CD 4.1)

- 7.2. Of particular relevance to this evidence in considering matters of urban design related to the reasons for refusal are the following paragraphs of the NPPF:

1. Paragraph 123 (a, b): Making effective use of land, using employment land for homes in areas of high housing demand.
2. Paragraph 124: Which requires development to make the efficient use of land.
3. Paragraph 125: Area based character assessments and design guides can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places. Where there is a shortage of land for meeting housing need it is especially important to avoid homes being built at low densities and ensure that development makes optimal use of the potential for each site.
4. Paragraph 126: Which underlines that the creation of high quality, beautiful and sustainable places is fundamental to what the planning and development process should achieve, being clear about design expectations.
5. Paragraph 127: Engagement and vision.
6. Paragraph 128: To provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences.
7. Paragraph 129 explains that the National Design Guide and the National Model Design Code. should be used to guide decisions on applications in the absence of locally produced design guides or design codes.
8. Paragraph 130: Which sets six qualitative design criteria of which c, d, e and f are relevant:
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and

disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

9. Paragraph 131. Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change.
10. Paragraph 132: Design quality should be considered throughout the evolution and assessment of individual proposals...Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.
11. Paragraph 134: Explains that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design (contained in the National Design Guide and National Model Design Code), taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes. Conversely, significant weight should be given to:
 - (a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes.

The London Plan (March 2021) (CD 5.1)

- 7.3. Relevant policies of the London Plan are set out below:

Policy GG1 Building Strong and Inclusive Communities

- 7.4. Policy GG1 states that:

“...those involved in planning and development must:

G ensure that new buildings and the spaces they create are designed to reinforce or enhance the identity, legibility, permeability, and inclusivity of neighbourhoods, and are resilient and adaptable to changing community requirements”

Policy GG2 Making the Best Use of Land

- 7.5. Policy GG2 states that:

“To create successful sustainable mixed-use places that make the best use of land, those involved in planning and development must: development must:

C proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are

well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling

E understand what is valued about existing places and use this as a catalyst for growth, renewal, and place-making, strengthening London's distinct and varied character"

Policy D1 London's form, Character and Capacity for Growth

7.6. As identified above, the explanatory text to Policy D1 states:

"As change is a fundamental characteristic of London, respecting character and accommodating change should not be seen as mutually exclusive. Understanding of the character of a place should not seek to preserve things in a static way but should ensure an appropriate balance is struck between existing fabric and any proposed change. Opportunities for change and transformation, through new building forms and typologies, should be informed by an understanding of a place's distinctive character, recognising that not all elements of a place are special and valued"

Policy D2 Infrastructure Requirements for Sustainable Densities

7.7. Policy D2 states that:

"The density of development proposals should: 1) consider, and be linked to, the provision of future planned levels of infrastructure rather than existing levels 2) be proportionate to the site's connectivity and accessibility by walking, cycling, and public transport to jobs and services (including both PTAL and access to local services)"

Policy D3 Optimising Site Capacity through the Design-led Approach

7.8. Policy D3 states all development must make the best use of land by following a design-led approach that optimises the capacity of sites. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth. These aims are consistent with London Plan policies and the objectives for good design set out in the National Design Guide (NDG).

7.9. Parts A and B of the policy are relevant to the appeal and the design process undertaken as described earlier:

“A: All development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site’s context and capacity for growth...”

B: Higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling, in accordance with Policy D2 Infrastructure requirements for sustainable densities. Where these locations have existing areas of high density buildings, expansion of the areas should be positively considered by Boroughs where appropriate.”

7.10. Part D sets out 14 criteria. The Council’s Statement of Case considers of particular relevance D.3 (1) and (11) with regard to rfr 1, which are set out below:

“(1) enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions”;

7.11. And;

“(11) respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character”.

7.12. It is to be noted that these criteria require a decision maker to identify existing elements of character which provide “local distinctiveness” and to identify existing features which are “special and valued” and which are “unique to the locality”. As I have explained I have not identified the character and appearance of the area around the appeal site to possess such features. I have been unable to identify any element of local distinctiveness, nor any special or valued features which are unique to this locality.

7.13. Equally relevant to this appeal is Parts D.3 (12) which states:

“12) be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well“

7.14. The supporting text to Policy D3 states:

“3.3.6 Good design and good planning are intrinsically linked... The efficient use of land requires optimisation of density.

“3.3.7 Developments that show a clear understanding of, and relationship with, the distinctive features of a place are more likely to be successful... Development should be designed to respond to the special characteristics of these features which can include: predominant architectural styles and/or building materials; architectural rhythm; distribution of building forms and heights; and heritage, architectural or cultural value“

Policy D4 Delivering Good Design

7.15. Policy D4 states:

“Design analysis and development certainty

Where appropriate, visual, environmental and movement modelling/ assessments should be undertaken to analyse potential design options for an area, site or development proposal...

Design scrutiny

C Design and access statements submitted with development proposals should demonstrate that the proposal meets the design requirements of the London Plan.

D The design of development proposals should be thoroughly scrutinised by borough planning, urban design, and conservation officers, utilising the analytical tools set out in Part B, local evidence, and expert advice where appropriate... Development proposals referable to the Mayor must have undergone at least one design review early on in their preparation before a planning application is made, or demonstrate that they have undergone a local borough process of design scrutiny, based on the principles set out in Part E:“

- 7.16. Whilst there was not a design review, as noted in the Committee Report (CD 3.2) the GLA response noted that there was sufficient design ‘scrutiny’, in accordance with London Plan Policy D4 as set out below with my emphasis:

“Item 42. Whilst the proposal has not undergone a Design Review Panel in line with Policy D4, following the refused scheme, the proposals have evolved as part of a design-led process involving sufficient levels of design scrutiny from Barnet Council planning and design officers during preapplication stage. The revised proposal has also been subject to review by GLA officers during preapplication discussions and an independent design audit carried out by the applicant. On balance, officers consider that the revised scheme has undergone a sufficient level of design scrutiny”

- 7.17. The Committee Report (CD 3.2) considered that there were no outstanding issues with matters of design relevant to this appeal and sufficient not to recommend that permission be granted.

Policy D6 Housing Quality and Standards

- 7.18. With reference to matters raised by NBCA concerning layout and amenity, Policy D6 states:

“B Qualitative aspects of a development are key to ensuring successful sustainable housing. Table 3.2 sets out key qualitative aspects which should be addressed in the design of housing developments.

C Housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings. A single aspect dwelling should only be provided where it is considered a more appropriate design solution to meet the requirements of Part B in Policy D3 Optimising site capacity through the design-led approach than a dual aspect dwelling, and it can be demonstrated that it will have adequate passive ventilation, daylight and privacy, and avoid overheating.

D The design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.

E Housing should be designed with adequate and easily accessible storage space that supports the separate collection of dry recyclables (for at least card, paper, mixed plastics, metals, glass) and food waste as well as residual waste.

F Housing developments are required to meet the minimum standards below which apply”

7.19. Matters of sunlight and daylight and overheating set out in Policy D6, are not dealt within this evidence, which address matters of design and amenity. Dwellings meet the required internal sizes (NDSS).

7.20. Table 3.2 *Qualitative design aspects to be addressed in housing developments* is referred to at para 5.1 of the NBCA’s SofC with regard to matters of refuse collection and sustainability. States at vi:

“recycling and waste disposal, storage and any on site management facilities are convenient in their operation and location, appropriately integrated, and designed to work effectively for residents, management and collection services”*

Character and Context SPG (2014) London Plan 2011

7.21. In addressing matters relating to character the SPG underlines the importance of understanding the wider character of an area and that change accords a balance. It states at paragraph 3.17 that:

“3.17 As change is a fundamental characteristic of London, respecting character and accommodating change should therefore not be seen as mutually exclusive. Understanding the character of place should not seek to preserve things in a static way but should ensure an appropriate balance is struck between existing fabric and any proposed change...”

Barnet Local Plan Core Strategy (Adopted 2012) (CD 6.1)

CS 4 Providing Quality Homes and Housing Choice in Barnet

7.22. Policy CS 4 states that the Council will aim to create successful communities by:

“seeking a range of dwelling sizes and types of housing including family and lifetime homes that meets our identified housing priorities and does not undermine suburban character or local distinctiveness.”

7.23. The supporting text states:

“10.1.4 Barnet contains a variety of density levels, buildings and townscape typologies which reflect its historical development...”

10.2.1 We commissioned the Barnet Characterisation Study to identify those areas of the borough that can accommodate growth and those that should be safeguarded...

10.2.5 ...This policy framework for our residential suburbs is supported by our Residential Design Guidance SPD23 which within the context of the six secondary typologies identified in the Characterisation Study provides design guidelines for those places with a consistent and coherent architectural character and design guidance for places where further flatted development will not detract from prevailing character.”

7.24. In the context of the above, as I set out at Section 3, I do not consider that there is a consistent and coherent architectural character to draw upon and this is affirmed by the style of the Combined Permitted Scheme and that of no. 9 Albert Road.

CS 5 Protecting and Enhancing Barnet's Character to Create High Quality Places

7.25. Policy CS 5 states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design.

7.26. As noted earlier the local context is diverse and the appeal site is an area where change has been accepted as demonstrated by the Combined Permitted Scheme.

Barnet Development Management Policies 2012 (CD 6.2)

DM01 Protecting Barnet's Character and Amenity

7.27. Policy DM01 requires development to demonstrate a good understanding of the local characteristics of an area. The policy sets 11 criteria (a-k) of which 'b' is relevant to this appeal and rfr 1 having regard to the Council's Statement of Case:

“b. Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.”

7.28. With regard to the Council's Statement of Case, no harm is identified with regard to other aspects of Policy DM01 which concern character and design including:

a. All development should represent high quality design which demonstrates high levels of environmental awareness and contributes to climate change mitigation and adaptation.

c. Development proposals should ensure attractive, safe and, where appropriate, vibrant streets which provide visual interest, particularly at street level and avoid blank walls.

d. Development proposals should create safe and secure environments and reduce opportunities for crime and minimise the fear of crime.

e. Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

j. Development proposals will be required to include hard and soft landscaping that:

i. Is well laid out in terms of access, car parking and landscaping.

ii. Considers the impact of hardstandings on character.

iii. Achieve a suitable visual setting for the building.

iv. Provide an appropriate level of new habitat including tree and shrub planting.

v. Make a positive contribution to the surrounding area.

vi. Contributes to biodiversity including the retention of existing wildlife habitat and trees.

vii. Adequately protects existing trees and their root systems.

7.29. It is therefore understood that the Council accepts that the appeal scheme accords with these elements of policy.

DM02 Development Standards

7.30. Policy DM02 requires development to comply with a number national and London-wide design standards some of which are no longer relevant or are in the process of being updated including By Design, Lifetime Homes, Code for Sustainable Homes, Wheelchair accessibility standards from the London Plan and Minimum floor space requirements set out in the London Plan. The extent to which this policy approach remains up to date and the weight to give to it are addressed by others.

National Design Guide (NDG) (CD 4.2)

7.31. The National Design Guide sets out ten characteristics of well-designed places which contribute towards the themes for good design set out in the NPPF. The Design Guide lends some objectivity to the inherently subjective issue of good design. The NDG advises that a

well-designed place comes about through making the right choices at all levels, including, inter alia, the form and scale of buildings. It states (paraphrasing from paragraph 43) that:

“well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation, including... patterns of built form, to inform the layout, grain, form and scale; the architecture prevalent in the area, including the local vernacular and other precedents that contribute to local character, to inform the form, scale, appearance, details and materials of new development...”

- 7.32. I return to assess the proposed development against the NDG later in this proof of evidence since this is relevant to the application of paragraph 134 of the NPPF.

National Planning Practice Guidance (NPPG CD 4.3)

- 7.33. The NPPG establishes that good design can be identified via the consideration of the ten characteristics set out in the National Design Guide National Design Guide (NDG).

London Plan: Housing SPG (2016) (CD 5.4)

- 7.34. Relevant to the appeal, with regard to context the Housing SPG states that:

Defining Good Places

Standard 1 - Development proposals should demonstrate:

a How the design responds to its physical context, including the character and legibility of the area and the local pattern of building, public space, landscape and topography.

b How the scheme relates to the identified character of the place, to the local vision and strategy or how bolder change is justified in relation to a coherent set of ideas for the place expressed in the local vision and strategy or agreed locally.

- 7.35. With regard to privacy and layout, the SPG states at Standard 28:

“Designers should consider the position and aspect of habitable rooms, gardens and balconies, and avoid windows facing each other where privacy distances are tight. In the past, planning guidance for privacy has been concerned with achieving visual separation between dwellings by setting a minimum distance of 18 – 21m between facing homes (between habitable room

and workshops) are considered appropriate in the southern mixed use area to complement the core retail offer in the High Street Character Area. A coherent approach to public realm treatments (to the High Street character area) is encouraged in order to 'stitch' this redevelopment area into the existing suburban fabric. Strong visual and physical connections between East Barnet Road and Victoria Recreation Ground should be created through this area in order to enhance linkages between the recreation ground and the East Barnet Road. New development on the former gas works site should consider opportunities to bring life and activity to Victoria Recreation Ground – potentially through new sports or leisure development”

7.38. At page 28 the NBTCF sets a number of principles for development including:

- Layout:
 - New public space to be provided at southern edge
 - Physical and visual connection between Victoria Recreation Ground and the junction of East Barnet Road/Victoria Road/Albert Road
 - New residential development to front park (to create a new open 'edge') and bring activity to park.
- Scale/quantum
 - Up to 4/5 storeys along railway line (to act as a buffer). Appropriate heights to reflect the low level suburban nature of the surrounding area elsewhere.

7.39. As will be described, the appeal scheme would provide new open spaces at the southern edge and physical connection to Victoria Park; and new development would front the park.

7.40. As noted earlier, the appeal scheme is informed by the Combined Permitted Scheme which is of a greater height and scale than the NBTCF guidance.

7.41. Considering the height proposed along the railway line, the justification provided is for dwellings to buffer the railway line. There is no other rationale provided. The Combined Permitted Scheme was at up to 7 storeys against the railway line (Figure 21 earlier).

7.42. Considering matters of scale and quantum, it is also of note that the opportunity area adjoins the existing suburban housing area to the north. The appeal site does not.

Characterisation Study of London Borough of Barnet 2010 (CSLBB) (BCS) (CD 6.8)

7.43. The Characterisation Study of London Borough of Barnet 2010 (CSLBB) provides an assessment of character in the borough as summarised at my Section 3. It is of some age and whilst provides a guide to urban character and local distinctiveness, the conclusions on actions / development are out-of-date with the NPPF and NDG.

7.44. The CSLBB has a 'Three Strand Approach' to 'protect, enhance and grow' the Borough, and consistent with the Combined Permitted Scheme, the appeal site is demonstrably an area for the exploitation of 'growth' for which the aspirations of the CSLBB is to:

"...accommodate a significant amount of growth throughout the borough, by exploiting opportunities for the development of major brownfield sites and strategic regeneration. Through this approach the council aspires to provide the accommodation, infrastructure and public services necessary to support a growing population"

7.45. Also of relevance to the appeal, the CSLBB states:

"Larger planned development schemes and concentrated areas of infill and redevelopment with conversion to flats will define their own typologies and scale, but there is a risk that this will gradually leech into the adjoining suburbs. This prevailing scale and massing should be protected in areas where there is consistent character. At the same time, it may be possible to identify areas which would be more able to tolerate change so that new development can be concentrated in a strategic manner to relate to areas which benefit from good transport links and services as well as those which have already been denuded of much of their original character through previous development."

7.46. The appeal site is evidently an area considered tolerant for change including higher densities and flats of a different form to the houses in the suburbs, and as I set out at Section 3 there is no consistent character.

Sustainable Design and Construction (October 2016) (CD 6.6)

7.47. The SPD pre-dates the present iteration of the NPPF, the London Plan and the NDG. The Sustainable Design and Construction SPD provide design standards required for different scales of development as well as the performance standards of buildings.

Residential Design Guidance (SPD October 2016) (CD 6.7)

- 7.48. The SPD pre-dates the present iteration of the NPPF, the London Plan and the NDG. As such it is not up to date and was not produced to achieve the objectives of current national policy on design. At para 1.5 the SPD sets the following purpose:

“1.5 The council will not accept designs for new development that are inappropriate to their context or do not take opportunities to improve the character and quality of an area.”

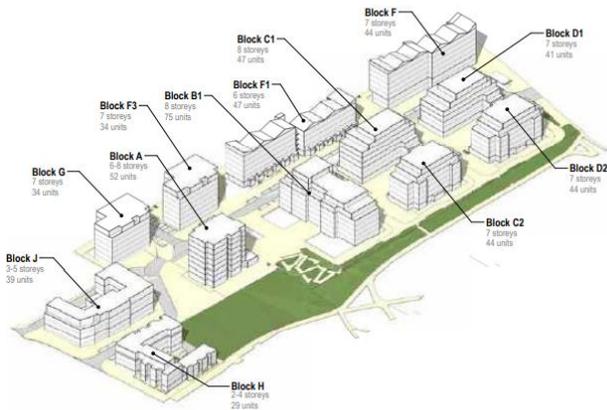
- 7.49. At paragraph 7.3, with regard to separation distances the SPD states (with my emphasis)

“7.3 Privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed). In new residential development there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.”

8. Design Evolution

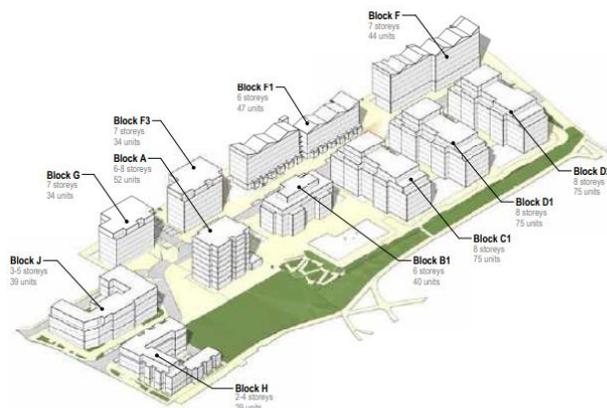
- 8.1. This Section summarises the design evolution of the appeal scheme as described within the DAS (CD 1.3), by the Save new Barnet response (inc. Appendices A – H) (November 2021 CD 1.19) and the DAS Addendum (November 2021 CD1.4). Engagement with the community is set out in the Statement of Community Involvement (CD 1.22).
- 8.2. Notwithstanding the engagement that preceded the appeal scheme, in accordance with NPPF para 132, the comprehensive engagement and resolution of the appeal scheme with Officers and interested parties / stakeholders comprised, inter alia:
1. LBB Meeting – 17th December 2020 to discuss reasons for refusal (on the Refused Scheme).
 2. LBB Meeting – 13th January 2021 to discuss reasons for refusal and discussion of options and alternatives.
 3. 1st consultation - 29th March 2021 to 12th April 2021. Public webinar 7th April.
 4. LBB Meeting – 7th April 2021 Pre-app meeting.
 5. Meeting with NBCA – 26th April 2021 - comparisons and scheme review.
 6. LBB Meeting – 29th April 2021 - Pre-app design workshop.
 7. Meeting with Cllr Byers and Teresa Villiers MP – 10th May 2021.
 8. GLA Meeting – 12th May 2021. Full pre-app meeting.
 9. Meeting with NBCA – 18th May 2021. NBCA present their responses and ideas.
 10. Meeting with NBCA – 15th June 2021. Internal assessment of NCBA ideas and further proposals.
 11. 2nd consultation – 17th June to 30th June 2021. Public webinar 21st June.
 12. Submission of application June 2021.
 13. Addendum to DAS (CD 1.4). November 2021 and submission of revised CGIs.
 14. Official Response to SNB Objections November 2021 (CD 1.19) which at Appendix B: Submission of response to SNB (Save New Barnet) - outlines the changes made to the submission scheme from The Refused Scheme.
- 8.3. As part of an initial review process, the design team re-visited the scale, height, form and pattern of the appeal scheme. This design process which included design options and a review of the previous schemes is illustrated within the DAS (CD 1.3) at page 28 onwards, an extract of which is reproduced below at Figures 26 and 27. As acknowledged in the Committee Report (CD 3.2):

“3.3.4 The proposed development and design has drawn from the original concepts established through the extant planning permissions and have evolved through detailed discussions with both LBB and the GLA”



Design Analysis:

- The front of the site facing Victoria Road reflects the scale and massing of the consented scheme, it is considered that this is an accepted position.
- The Spine Road naturally separates the Western linear edge of the site from the rectangular nature of the currently formed basement. Linear forms observed in the consented scheme were explored along this edge as a replacement for the previously refused squarer pavilion blocks. This results in a higher quantum of public realm at each end of an elongated building rather than pocket spaces between blocks. Providing a more successful response to the shape of site.
- Building footprints and orientation of the buildings present a further challenge given the proposed uplift in unit numbers from the consented proposals. A hybrid of the linear 'finger blocks' and the courtyard blocks were explored, employing greater building modelling as observed in the consented scheme. The mix between finger blocks and courtyard blocks was deemed unsuccessful as an urban design solution with the finger block appearing to separate the site through its north south axis, disassociating the buildings over the basement with the open public spaces that connect block A with the recreation ground.



Design Analysis:

- Proposals which increase the heights of the perpendicular finger blocks, whilst increasing the open plaza frontage to the recreation ground were explored. These proposals identified that the taller perpendicular block arrangement were less successful than their lower counterparts seen on the consented scheme. The reservations over predominately north facing units would be exacerbated by the additional height.



Design Analysis:

- Proposals which increase the heights of the perpendicular finger blocks, were explored. A simple increase of units numbers with the addition of floors, maintaining the masterplan philosophy of the consented scheme.
- Whilst the scheme is more legible than the other options above, the concerns over building orientation and impact on the quality of accommodation remain.
- The increase in height, gives rise to a change in scale of the building footprints and overall mass.
- It is clear that the 'finger' block typologies are significantly larger floor plate buildings within their context.

Figure 26: DAS Page 32 CD 1.3. Finger Block Options Studies

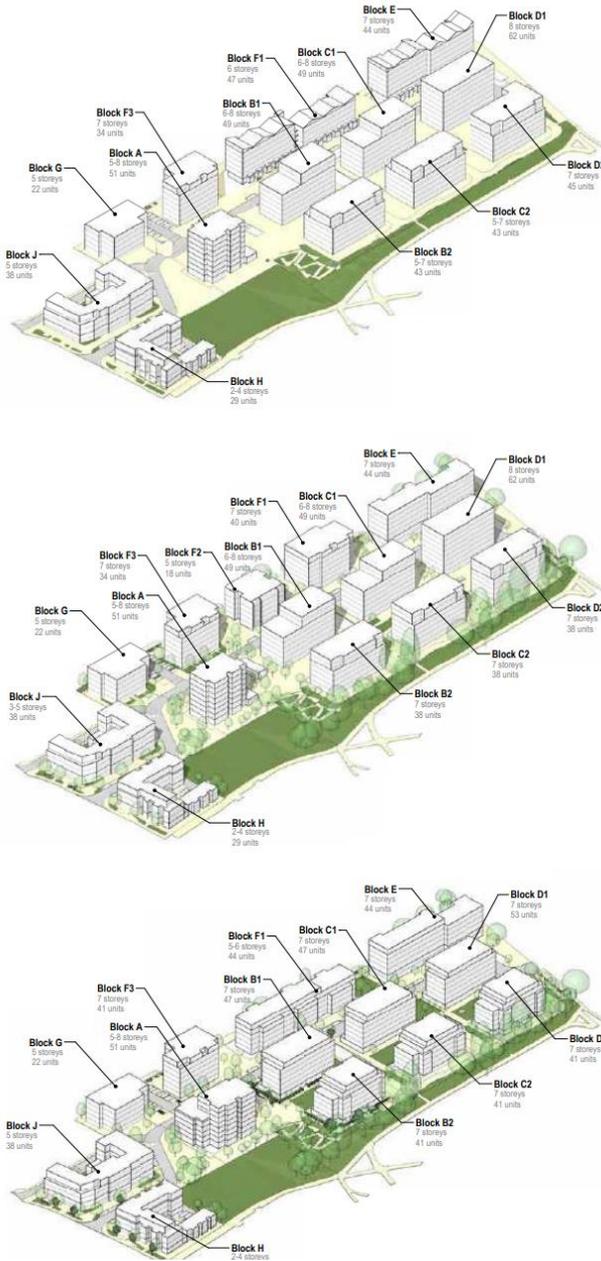


Figure 27: DAS Page 33 CD 1.3. Courtyard Block Options Studies

8.4. The design review process demonstrably sought to optimise the capacity of the appeal site for development in accordance with the following policy and guidance:

1. Paragraph 123 (a, b): Making effective use of land, using employment land for homes in areas of high housing demand.
2. Policy CG2 Making the Best Use of Land (c).
3. And Policy D3 - All development must make the best use of land.

Design Analysis:

- Blocks H&J maintain remain consistent with the extant consent.
- A series of smaller buildings, interspersed with pockets of landscape provide a linear approach to buildings along the Western boundary.
- The courtyard block arrangement (located over the carpark) provides a more natural framing response/containment to the park when compared to the perpendicular finger block approach.
- Permeability through the site is increased through reducing the building footprints and removing massing to leave simple rectangular footprints.
- The orientation of the blocks facing East to West, allows the dwellings to naturally respond to the site setting rather than having to manipulate the elevation to gain a second aspect away from North.

Design Analysis:

- Similar approach taken above but with the reintroduction of the blocks along the western linear edge of the site. The result reinforces the greater success of a linear geometry along the boundary as seen in the iteration above.
- The provision of 8 storey buildings running through the centre of the site is considered to be a planning risk in respect of local planning policy regarding tall buildings, as well as issues of excessive compound massing when viewed from the recreation ground.

Design Analysis:

- Utilizing the positive attributes of the 'Courtyard' approach, the final option addresses the concerns relating to separation distances and building heights.
- Additional building modelling addresses issues surrounding legibility, massing and architectural quality to provide a framework to develop a successful architectural proposal.

9. Design Quality of the Appeal Scheme

9.1. This Section of my evidence appraises the design quality of the appeal scheme having particular regard to paragraph 134 of the NPPF, the NDG and relevant of local guidance on residential design for the appeal site. This section is structured upon the National Design Guide's (CD 4.2) ten characteristics of successful places.

1. Context: Enhances the Surroundings

9.2. Consistent with the Combined Permitted Scheme, the appeal scheme creates its own 'place' informed by context, the constraints of the appeal site and resolved through dialogue with Officers and stakeholders, in accordance with London Plan Policy D1 London's form, character and capacity for growth and Local Plan Policy D3 (A) Optimising Site Capacity through the Design-led Approach.

9.3. The design approach, through the creation of new open spaces linked to the park and centre, is also accordance with London Plan Policy GG1 Building Strong and Inclusive Communities, which states that those involved in planning and development must:

"...ensure that new buildings and the spaces they create are designed to reinforce or enhance the identity, legibility, permeability, and inclusivity of neighbourhoods, and are resilient and adaptable to changing community requirements"

9.4. And, London Plan Policy D1 London's form, character and capacity for growth, and the DAS (CD 1.3) describes how the design has been informed by context:

"As change is a fundamental characteristic of London, respecting character and accommodating change should not be seen as mutually exclusive...Opportunities for change and transformation, through new building forms and typologies, should be informed by an understanding of a place's distinctive character, recognising that not all elements of a place are special and valued"

9.5. As set out earlier, the surrounding character is diverse and lack local distinctiveness. The appeal site is considered appropriate to create its own character (as also previously accepted by the Council with the Combined Permitted Scheme). Notwithstanding this, the DAS (CD 1.3) explains how local design references have been drawn upon, in accordance with NPPF para 130; Local Plan CS 5, Protecting and enhancing Barnet's character to create high quality

places; and the NDG - C1 Understand and relate well to the site, its local and wider context: para 44. *...well-designed places do not need to copy their surroundings in every way. It is appropriate to introduce elements that reflect how we live today* and para 45. *To communicate the benefits of a scheme, it is important to explain how the design of a development relates to context and local character.*

9.6. The structure of the appeal scheme is consistent with NDG para 42 *Well-designed development proposals are shaped by an understanding of the context that identifies opportunities for design as well as constraints upon it.* The proposed pattern and grain of the scheme is of dense, urban/perimeter blocks to the south towards Victoria Road and apartment pavilion blocks to the north. The transition from perimeter blocks to the south, through to pavilion blocks to the north is considered an appropriate response to mediate the pattern of the town centre (of coarse grain blocks) to a residential pattern of linear streets and blocks within the appeal site (of finer grained blocks) and in accordance with the objectives of:

- NPPF Para 130 (c) Sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change; and
- London Plan Policy D3 (1) enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.

9.7. The proposed siting of buildings set against the railway line and embankment is consistent with the Combined Permitted Scheme.

9.8. The proposed siting of buildings against the Victoria Park edge is different from the Combined Permitted Scheme but similar in terms of proximity to the edge of the park. At the eastern edge to Victoria Park, there will be a level difference along the eastern boundary, which will require localised build-ups. This is determined by the fact that the basement and boundary treatment has been determined by the levels of the Combined Permitted Scheme. See Figure 28 below.

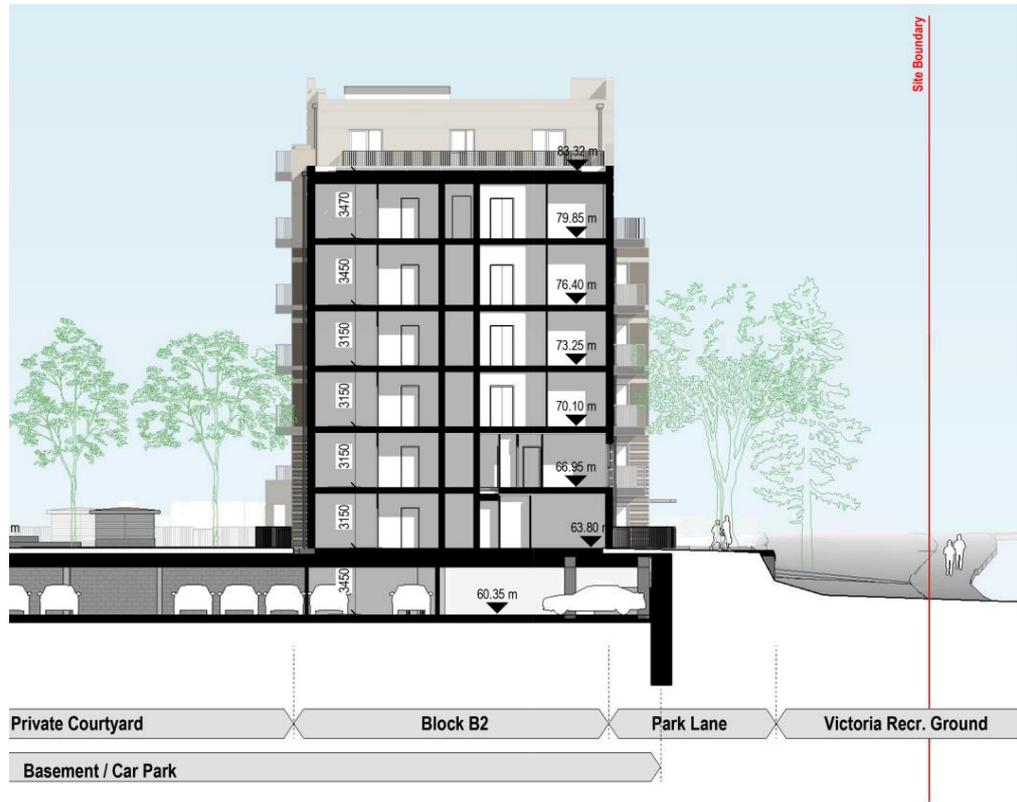


Figure 28: Cross Section extracts through Block B2 top and D2 below (Drawing 05-6002 - Site Wide Sections 2-3 CD 2.36) showing variation in the height of levels at the parkside edge

- 9.9. A geo-cell green wall solution is proposed where there is a build-up (such as at Figure 28, B2 above), so that the visual effects are of a landscaped edge and the load would not damage local tree roots. The appellants have met with the Council Tree Officer and Green Spaces Team on site and identified areas where the wall build up with need to be carefully managed.
- 9.10. In accordance with NDG para 43. *Well-designed new development is integrated into its wider surroundings, physically, socially and visually*, the mixed use areas and park plaza reinforce those existing links to the town centre and overall the appeal scheme through connections activity and the new community integrate this 'Victoria Quarter' into its context.
- 9.11. In accordance with the NDG Para 41, *Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary*; and the Barnet Residential Design Guidance (SPD October 2016) 1.5: *The council will not accept designs for new development that are inappropriate to their context or do not take opportunities to improve the character and quality of an area*; the appeal scheme has a positive relationship to Victoria Park, Albert Road, and Victoria Road. To each it provides an active edge that addresses the public realm. To the Park the appeal scheme confidently addresses the open space in much the same way as the new recreation centre, and provides an improved and attractive entrance to the park. The building heights at the edge of the park are at or below the height of the existing trees – retaining the existing significance of these natural features as part of the edge to this space. See Figure 29.



Figure 29: Pavilion apartment blocks. (D2, C2 and beyond B2 to left of frame) addressing edge of Victoria Park. DAS Addendum CD 1.4

- 9.12. The linear arrangement of buildings creates street spaces and amenity spaces that are well defined and afford multiple visual connections between spaces.
- 9.13. Supportive GLA stage 1 report comments on the masterplan, as summarised in the Committee Report include:

“...the masterplan layout demonstrates a simple sequence of blocks with strong street-based frontages along the spine road and good levels of residential frontages onto communal/playspace areas. Blocks are also arranged and formed to optimise sightlines towards the open space to the east and the landscaping strategy is well developed, making good use of level changes running east-west through the site. On this basis, the masterplan layout is supported...”

The layout is supported by the GLA recognising the optimised sightlines and connections to the surrounding landscape. – Item 45 asserts that “the masterplan layout demonstrates a simple sequence of blocks with strong street based frontages along the spine road and good levels of residential frontages onto communal/play space areas. Blocks are also arranged and formed to optimise sightlines towards the open space to the east and the landscaping strategy is well developed, making good use of level changes running east-west through the site.

“the masterplan layout demonstrates a simple sequence of blocks with strong street-based frontages along the spine road and good levels of residential frontages onto communal/playspace areas”.

- 9.14. Commenting generally on layout, massing and urban design, the Committee Report (CD 3.2) states that the GLA concluded:

“Urban design: The masterplan layout and revised massing strategy are supported. Whilst the application site would not comply with the locational requirements of Policy D9 (B), on the basis of the information submitted addressing the requirements of Part C of the policy, GLA officers are of the view that the proposed height and massing could be suitable for the site.”*

*The comments in relation to London Plan Policy D9 (B) relate to the location of tall buildings. The appeal scheme does not propose any buildings that meet the relevant definition of tall buildings and therefore the comments on height in relation to Policy D9 are no longer relevant.

2. Identity: Attractive and Distinctive

- 9.15. The structure of the layout is in accordance with NPPF para 130 (d) i.e. establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; and London Plan Policy GG1: *ensure that new buildings and the spaces they create are designed to reinforce or enhance the identity, legibility, permeability, and inclusivity of neighbourhoods.*

9.16. Considering the appearance of the appeal scheme, notwithstanding the variety of built form within the local context, the DAS demonstrates that the design has been carefully considered with reference to local materials, landscape and design to ensure that the appeal scheme will enhance the character and appearance of this area in accordance with the NDG para 53 *Well-designed new development is influenced by an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape and local architectural precedents; the characteristics of the existing built form; the elements of a place or local places that make it distinctive; other features of the context that are particular to the area.*

9.17. This approach to 'identity' as described by the DAS is also in accordance with London Plan Policy D3 (11) *"respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character."*

In accordance with NDG para 57: *Materials, construction details and planting are selected with care for their context* the appeal scheme is of a contemporary style in brick with simple elevations of a hue similar and complementary to no. 9 Albert Road. See Figure 30.



Figure 30: Frontage to Victoria Road: Source Updated CGIs CD 1.18 illustrating character and appearance

9.18. The proposed contemporary style across the appeal scheme provides for a clear identity to the new place. Variation in the detailing of buildings and materials differentiates different built elements of the appeal scheme, such as the park frontage in light buff brick and the railway embankment edge in a mix of brown and red brick. In the context of a varied built

form as described earlier and the acceptable of a development 'of its own' urban character in the Combined Permitted Scheme, I consider that the character is appropriate.

- 9.19. In summary, the appeal scheme, through a carefully adopted approach to layout and character will have an attractive and distinctive identity that appropriately reinforces the surrounding character at the edge of the town centre.

3. Built Form: A Coherent Pattern of Development

- 9.20. As described by the layout and density, the pattern of development and built form is consistent with the NDG para 63. *Well-designed places have compact forms of development that are walkable; accessible local public transport, services and facilities, to ensure sustainable development; recognisable streets and other spaces with their edges defined by buildings; memorable features or groupings of buildings, spaces, uses or activities that create a sense of place, promoting inclusion and cohesion;* NDG para 6. *Well-designed new development makes efficient use of land with an amount and mix of development and open space that optimises density;* and NDG para 66 *Built form is determined by good urban design principles that combine layout, form and scale in a way that responds positively to the context. The appropriate density will result from the context, accessibility, the proposed building types, form and character of the development.*

Density

- 9.21. Consistent with London Plan Policy GG2: Making the Best Use of Land and NPPF Paragraph 130, the design of the appeal scheme accords with the clear expectations in planning policies to regenerate the area with regard to its surroundings. Optimising brownfield sites for housing is a legitimate and important concern for a scheme designer. The NPPF states that where there is a shortage of land for meeting housing need, it is especially important to avoid homes being built at low densities and ensure that development makes optimal use of the potential for each site. An increase in density upon the local context was accepted at no. 9 Albert Road and with the Combined Permitted Scheme.
- 9.22. The development makes the best use of land by following a design led approach that responds to context and capacity for growth considering proximity to local shops and the adjacent park. Where appropriate the development is of a compact form of development, as described by the pattern and grain towards Victoria Road.

9.23. Matters of design and density that usually imply 'overdevelopment' have demonstrably been addressed in the submission material. Such matters include qualitative considerations such as dwelling sizes, amenity, privacy and outlook, refuse and parking. For these matters to be resolved and agreed as acceptable, and having appropriate regard to context, it generally follows that a site has been optimised and therefore is compliant with the NPPF.

9.24. Commenting on density, the Committee Report stated:

"3.1.8 The application site has been subject to a design-led approach to optimise the potential of the site. In this instance it is not considered to result in any overdevelopment symptoms. Officers consider that the density of the scheme is suitably expressed through D6 of the London Plan."

Height, Scale and Massing

9.25. The height, scale and massing of the appeal scheme is shown at Figure 31 below, an extract from the DAS Addendum.

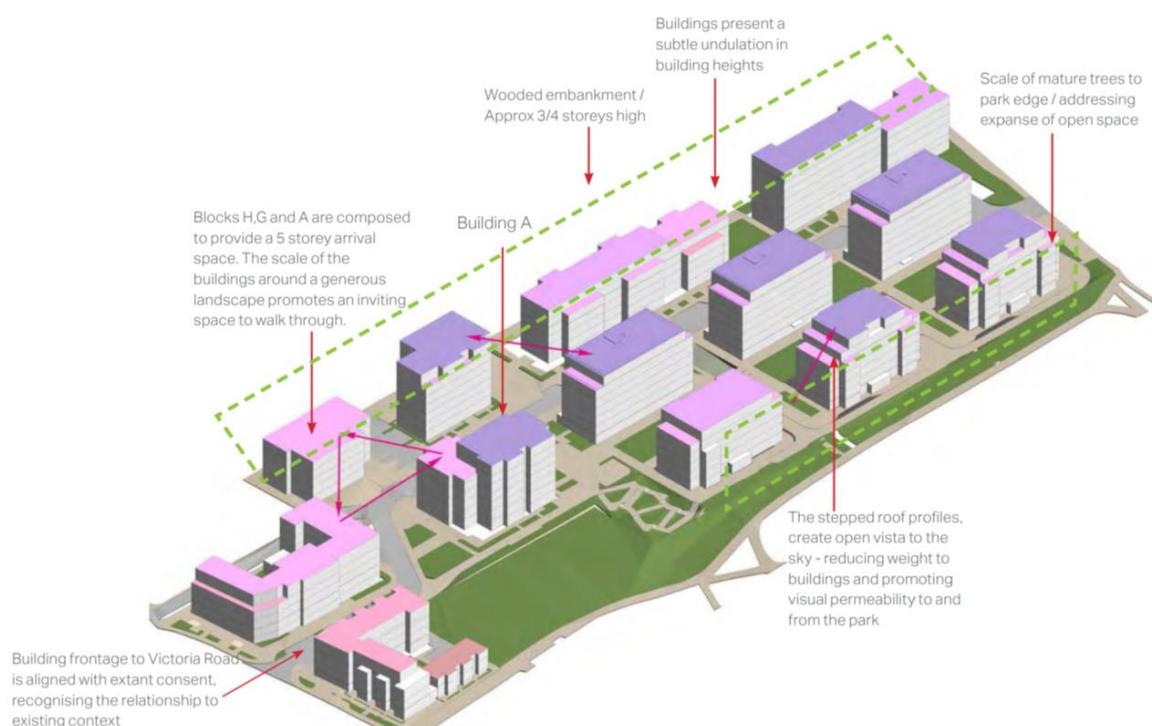


Figure 31: Height. Extract from DAS Addendum (CD 1.4)

9.26. The maximum height of seven storeys is below the eight storey height of the Combined Permitted Scheme. Building height is gently graduated to the centre and north of the appeal

scheme along the spine Road and towards the National Grid depot. The variation in height of one – two storeys across buildings is similar in change to the variations proposed by the Combined Permitted Scheme with the exception of a singular tall building.

- 9.27. At the railway line the variation in height steps up from five storeys adjacent to no.9 Albert Road to seven storeys at Block F4; then varies from six storeys at F3 to five storeys at F1, before seven and six storeys at Block E. The stepped variation in height adds interest to this linear edge.
- 9.28. Through the centre of the appeal scheme, building height steps up from five and seven storeys at Block A to seven storeys at Blocks B1, C1 and D1. Blocks B1, C1 and D1 step from six to seven storeys to articulate the roofscape.
- 9.29. Blocks B2, C2 and D2 at the edge of Victoria Park are also further articulated in height with stepped storey changes towards the top. See Figure 32 below. Variations in roof form add interest to the streetscenes.



Figure 32: Pavilion apartment blocks. (D2, C2 and beyond B2 to left of frame) addressing edge of Victoria Park. (CD 1.18)

- 9.30. Commenting on scale and massing, the Committee Report (CD 3.2) and GLA Stage 1 Report (CD 3.1) concluded:

“3.3.9 The bulk, scale and massing... strikes a balance of optimising the density whilst providing a scheme that is appropriate in respect of character and appearance as well as achieving high quality accommodation for occupiers and maintaining amenity for neighbours...”

... The GLA states, that the proposed massing alongside the park boundary creates a frame for the park, while other frontages and adjusted massing along the high street and the spine road complements the high street character of Victoria Road. The massing of the development is supported”.

45. GLA officers consider that the changes to the massing of the blocks successfully reduce their apparent bulk and scale and improves residential quality by increasing separation between habitable room windows...*

- 9.31. I concur with these comments. Commenting on privacy and separation distances between blocks, the Committee Report stated:

“3.2.21 The design proposes a minimum distance of 20m between the main façades of all of the buildings...”

3.2.24...Separation of 20m on the long side of the buildings is considered an appropriate distance to provide a good level of privacy with no issues of overlooking windows.

3.2.25 It is considered that in the context of the development and the design-led approach to optimising the site, these separation distances would not result in unacceptable harm for future occupiers. Officers are satisfied that there would be no detrimental overlooking as to justify a refusal within the proposal.”

Built form

- 9.32. The DAS, which illustrates the character of the built form and design, meets the requirements of Part 2 of the Barnet Residential Design Guidance, para 6.3...*Applicants should explain how the development proposal responds to the character of the site and wider area through a Design and Access statement.*

- 9.33. The appeal scheme responds to the site features and constraints. The proportion and scale of the building is considered to relate well to the site, context and proposed street and amenity spaces. The buildings are not considered to be overbearing or unduly prominent in the surrounding streetscene (as I expand upon in Section 10). Rather, they appropriately define the edge of Victoria Park and a new urban quarter within the appeal site.
- 9.34. The design of the buildings is appropriately distinctive. As described at my Section 3 there are a variety of buildings within the context of the appeal site, affording some latitude as to what is considered to be an acceptable architectural form, design and material in response to a varied townscape.
- 9.35. With reference to Figure 33, a parkside building from the updated CGIs, buildings are designed to consider proportion in elevation as illustrated below, with a hierarchy of base, middle and top. The base extends two floors and is articulated by decorative projecting string brick courses. The middle is articulated by contrasting light brick soldier courses. The top is set back and in light brick.



Figure 33: Mansion Block study. DAS Addendum CD 1.4. Proportion of buildings

9.36. Commenting on built form and character the GLA Stage 1 report noted:

“Item 57: The submitted visuals suggest a simple and robust aesthetic will be achieved which draws on the areas established character. The architectural quality does not raise strategic concern.”

9.37. There is an overall homogeneity in the style to the blocks with individual variation as demonstrated by the elevations and CGI’s.

9.38. Commenting on character and appearance, quality of the public realm the Committee Report (CD 3.2) stated:

“3.3.16 The development relates well to the character of the area and does not detract from the high street but provides additional retail and leisure space and publicly accessible environments, which will enhance quality of life, the local economy and complement the existing Town centre. The width of streets and open spaces respond to the humanscale, such as the proposed Plaza, which is an intimate green public space at the heart of the development. Significant improvements are also proposed to Albert Road which would provide a more welcoming and accommodating environment for all.

3.3.17...The creation of a Park Plaza and direct access routes between the development and the park are supported. The public space around Block A incorporating the Park Plaza creates a welcoming public realm and accessibility from the park.

3.3.19...The material palette is informed where possible from local analysis of materials used; and applied appropriately.

3.3.20 The architecture presents a consistent and high quality appearance which responds to its surroundings. It is considered that the scheme provides an attractive development which is contemporary in appearance yet employs devices of classical architecture and traditional London housing forms, creating a new character for the site that is considered appropriate and acceptable”

9.39. I concur with the support for the character and appearance.

4. Movement: Accessible and Easy to Move Around

The appeal site is in a sustainable location and provides legible routes that connect to Victoria Park and the town centre. The proposed park link provides a convenient and safe link to the existing community. The structure of the layout and linear spaces is in accordance with the NPPF: para 130 (d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;* para 92: *To aim to achieve safe and inclusive places that provide opportunities for people to meet, street layouts that allow for easy, attractive and well-designed clear and legible pedestrian and cycle connections and active street frontages; high quality public spaces and enable and support active lifestyles;* and para 131: *new streets should be tree lined unless there are clear justifiable and compelling reasons why this would be inappropriate.*

9.40. Considering connections, the appeal scheme is structured by: a tree lined extension of Albert Road (See Figure 36); the edge of Victoria Park and the links created between; and the frontage to Victoria Road. The structure provides a framework of two perimeter blocks towards the south on Victoria Road; pavilion apartment blocks to the centre that address the spine road and the edge of Victoria Park; and four linear blocks set against the railway line embankment.

9.41. The linear nature of the north south blocks reinforces the western edge of Victoria Park and the route of the Spine road. The approach is consistent with NDG para 76: *Successful development depends upon a movement network that makes connections to destinations, places and communities, both within the site and beyond its boundaries*; NDG para 77: *A well-designed movement network defines a clear pattern of streets*; and NDPG para 79: *Well-designed streets create attractive public spaces with character*.



Figure 36: Tree lined Spine road. DAS Addendum CD 1.4

9.42. The appeal scheme provides a highly permeable and legible framework, affording a new connection to Victoria Park through the Park Plaza that connects to the existing footpath towards the entrance from the south and Victoria Road.

Car and Cycle Parking

9.43. The appeal scheme would provide car parking, within London Plan standards. The underground car park removes a significant number of parked cars from the public street

spaces and parked cars, where provided on street, are accommodated with landscaping such that they will not visually detract from the public realm in accordance with NDG para 86: *Well-designed parking is attractive, well-landscaped and sensitively integrated into the built form so that it does not dominate the development or the street scene.*

- 9.44. Cycle parking is provided for each building and close to entrances to encourage sustainable travel in accordance with NDG para 85: *Well-designed car and cycle parking at home and at other destinations is conveniently sited so that it is well used.* There would also be 994 secure cycle parking spaces. A ratio of 0.61 spaces per home across the site is appropriate given the relative accessibility of the appeal site.

Access for Servicing

- 9.45. In accordance with NDG para 88: *Access for servicing is also well-integrated* communal refuse and bin stores are located at ground (Blocks H, J, G, F4, F3, F2, F1, E and A) or basement level (B1, B2, C1, C2, D1 and D2) within walking distance of primary cores. This arrangement optimises the active frontages to the surrounding streets. The appropriateness of the approach to refuse collection is discussed further in Section 11.

5. Nature: Enhanced and Optimised

- 9.46. The appeal site is adjacent to Victoria Park which contains a number of trees and grassy open space. The appeal site's western boundary comprises a tree line embankment.
- 9.47. In accordance NDG para 91: *Well design spaces provide attractive open spaces in locations that are easy to access, with activities for all to enjoy, such as play, food production, recreation and sport, so as to encourage physical activity and promote health, well-being and social inclusion;* and NDG para 92: *Well-designed places provide usable green spaces;* and NDG para 98: *Well-designed developments include site-specific enhancements to achieve biodiversity net gains at neighbourhood, street and household level* the appeal scheme provides a comprehensive landscape strategy as set out in the DAS.
- 9.48. There are extensive green roofs over the majority of the blocks. The appeal site is constrained by an existing basement and through road so there are limited opportunities to further improve the Urban Green Factor.
- 9.49. The appeal scheme is also a considerable improvement upon the previous gas works development.

6. Public Spaces: Safe Social and Inclusive

- 9.50. In accordance with NPPF para 130 (f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience;* London Plan Policy D3 (3) *“be street-based with clearly defined public and private environments”* the appeal scheme provides an attractive and safe public realm. The inclusive environment created allows for resident play space, in accordance with London Plan Policy D3 (8) *“provide conveniently located green and open spaces for social interaction, play, relaxation and physical activity”*
- 9.51. At the base of Building A, a community space / café will provide active frontage to the Park Plaza space as well as overlooking the provision of children’s play space, ensuring the space should be well used throughout the day.

Open spaces

- 9.52. Within the appeal scheme there is a legible hierarchy of space, with the north south tree lined Spine road connecting through the layout and secondary links, mostly pedestrian, connecting east towards Victoria Park.
- 9.53. There are clearly defined public spaces. To the south and towards the entrance there is the Park Plaza space at the entrance to the scheme; and at the edge of Victoria Park a parkside path. Providing the structure is the tree lined spine road.
- 9.54. The layout ensures that public spaces are safe and overlooked consistent with the objectives of NDG para 104: *Well-designed public and shared amenity spaces feel safe for people who occupy the buildings around them, and also for visitors and passers-by;* and NDG para 105: *Careful planning and design create the right conditions for people to feel safe and secure, without the need for additional security measures. These include natural surveillance from inside buildings provided by windows and balconies, so that users of the space feel they might be overlooked by people from inside.*

9.55. The extent of the open space provision – from the public open spaces of the Gateway Garden (1) and the Park Plaza (2); to private terraces and balconies (3); communal private gardens (4) and play spaces (5) is described within the landscape section of the DAS (CD 1.3). The landscape plan with annotation is illustrated below at Figure 37.



Figure 37: Landscape Plan: Source DAS

9.56. The attractiveness and quality of the public open spaces – such as the entrance to Victoria Park through ‘Park Plaza’ and the play space shown at Figures 38 and 39 - should be considered against the existing entrance experience as shown at Figure 3 previous. On the desire line between the park and town centre, the Park Plaza represents an opportunity to provide a space which does not currently exist within the local area as well as amplifying the benefit of the park to the local community. Its location and design is consistent with the objectives of NDG para 107: *A well-designed public space that encourages social interaction is sited so that it is open and accessible to all local communities.*

9.57. In addition to the provision of the Park Plaza, landscape works beyond the appeal site boundary within Victoria Park are proposed to facilitate the links.



Figure 36: Park Plaza public square and play space CGI looking east towards Victoria Park



Figure 37: Park Plaza Source DAS Addendum looking west towards Block F4 which is set against the railway line

9.58. Commenting on the Park Plaza and the amenity provision in general the Committee Report (CD 3.2) stated:

“3.2.16 The public amenity strategy seeks to complement the adjacent Victoria Park by providing high quality transition space and a public square within the site. Given the location next to Victoria Park and the improved access created by the development ensures that the future occupiers of the development will have sufficient access to the public open space they

require. There will also be benefits to the wider population with better connectivity to the park and s106 contributions to improvements to Victoria Park. Based on the above, it is considered that sufficient onsite external amenity space has been provided in compliance with the highlighted standards.”

- 9.59. Within the appeal scheme the private communal courtyard spaces afford additional east west and north south connections through the layout. The permeability that the space between the pavilion blocks affords for all residents and visitors and provides for an inclusive residential environment. See Figure 38 below. In addition, between the linear blocks against the railway line there are areas of communal amenity space which provides space for informal children’s recreation, a setting and outlook for the buildings. The communal private spaces would be gated and managed.



Figure 38: Communal private space CGI prepared in support of application

Play Space

- 9.60. The appeal scheme will provide 1,857 of play spaces: alongside the spine road, within the central courtyard and within the public space at Park Plaza. This fulfils the entire requirement for U5’s play and almost the full provision of play for 5-11yrs with a shortfall which equates to 13%. The 12+ age group is catered for off-site within Victoria Recreation Ground and a

financial contribution towards improvements will be provided. This approach was considered acceptable by the Council and GLA in the previous application. See Figure 39 below.



Figure 16.

- Park Plaza Play - 120m²
- Courtyard Play - 620m²
- Natural/ Ecological Play Space - 910m²
- Play Along the Way - 207m²

Figure 39: Play space: (Appendix E (CD 1.18) Figure 42)

7. Uses: Mixed and Integrated

- 9.61. Consistent with the objectives of NPPF para 130 e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development* and NDG para 108. *Sustainable places include a mix of uses that support everyday activities, including to live, work and play;* the appeal scheme provides mixed tenure residential uses, community and retail uses supported by public open space.
- 9.62. The mix of housing is in accordance with CS 4 Providing Quality Homes and Housing Choice in Barnet: *seeking a range of dwelling sizes and types of housing including family and lifetime homes that meets our identified housing priorities and does not undermine suburban character or local distinctiveness.*
- 9.63. The proposed development thus accords with the NDG para 109 - *Well-designed neighbourhoods need to include an integrated mix of tenures and housing types that reflect local housing need and market demand.*
- 9.64. The overall quality of the design of dwellings and access to communal spaces is also consistent with NDG para 116. *Where different tenures are provided, they are well-integrated and designed to the same high quality to create tenure neutral homes and spaces, where no tenure is disadvantaged'* NDG para 119. *Good design promotes social inclusion.*
- 9.65. The appeal scheme would be 'tenure blind' in terms of architectural appearance and accessibility to the proposed open spaces.
- 9.66. As summarised in the Committee Report (CD 3.2):
- "3.2.5 Overall it is considered that the proposed scheme comprises a good mix of housing types and sizes to address the housing preference and need. Officers therefore consider the proposed dwelling mix to be acceptable and in accordance with Policy DM08 of the Local Plan. Furthermore the GLA has confirmed, in strategic planning terms the mix is acceptable and note the provision of family housing has been appropriately provided within the affordable component of the mix..."*

8. Homes and Buildings: Functional, Healthy and Sustainable

- 9.67. The design of the buildings and landscaped spaces, as described earlier, is considered to be in accordance with the NPPF para 130 b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.*
- 9.68. All dwellings are designed to be functional and meet the relevant standards in accordance with NDG para 120. *Well-designed homes and buildings are functional, accessible and sustainable. They provide internal environments and associated external spaces that support the health and wellbeing of their users and all who experience them* and NDG para 126. *Well-designed homes and communal areas within buildings provide a good standard and quality of internal space.*
- 9.69. All dwelling meet or exceed the DCLG Technical Housing Standards - Nationally Described Space Standards and Building Regulations and Policy H6 of the London Plan (CD 5.1 Table 3.1) which reflects these. In line with guidance of the Housing SPG CD (5.4) Standard 12 - building designs ensure dwellings accessed from a single core do not exceed eight per floor. All cores with the exception of A, G and F4 are part naturally lit/ventilated to the main stair and lift lobby in accordance with the Housing SPG (CD 5.4) Standard 14. Figure 40 below is illustrative of this at Blocks F1, 2 and 3.



Figure 40: Extract: Blocks F1, F2 and F3 Second floor plan part 2 (CD 2.11 - affordable units). Illustrating that dwellings exceed the NDSS space standards i.e. 2B4P the standard is 70sqm and as provided at F2 and F3 the dwellings are at 71.5sqm; for 3B5P the standard is 86sqm and the dwellings as shown are at least 89.1sqm.

- 9.70. A Fire Strategy has been designed in conjunction with a Fire Consultant.
- 9.71. The design of the buildings has considered the potential effects of overheating. An Overheating Assessment has been prepared by Ecounico Ltd.

9.72. As stated in the Officer's Report:

"Environmental Health

The design team has come up with mitigation built in, in the form of passive design measures such as shading from residential balconies, optimised solar control glazing, internal blinds and appropriate building fabric, as well as assuming measures such as efficient lighting and mechanical ventilation...

Summing up, I can see that an effort has been made to deal with the overheating issues in design stage. So next step is to recommend a condition to ensure that recommendations will be adhered to."

9.73. Overall, as demonstrated in the internal daylight and sunlight report, the performance of the proposed development is considered very good. In any new development, lower levels of daylight and sunlight are observed in some habitable rooms, as it is often impossible to achieve full compliance with the BRE guidance while offering private amenity in the form of balconies.

9.74. The overshadowing assessments follow the BRE guidance which recommends that for an open amenity space to be considered well sunlit throughout the year at least 50% of its area should see two or more hours of sunlight on the equinox. The technical assessments prove that all the proposed open areas of amenity far exceed the minimum guidance. In addition, all areas will receive even greater levels of sunlight during the summer months.

9.75. All windows on façades facing the railway line are upgraded to match the specification for those windows on façades overlooking the main roads at the front of the appeal site.

Aspect

9.76. Considering outlook and privacy, as noted in the Committee Report (CD 3.2):

"3.2.24 A key design principle of Victoria Quarter is the maximisation of façade opening and active frontage with an appropriate window-to-wall ratio. This principle, together with the achievement of 70.2% dual aspect units across the scheme, introduces a large number of windows that have been organised in all the façades of the buildings. Separation of 20m on

the long side of the buildings is considered an appropriate distance to provide a good level of privacy with no issues of overlooking windows.

3.2.25 It is considered that in the context of the development and the design-led approach to optimising the site, these separation distances would not result in unacceptable harm for future occupiers. Officers are satisfied that there would be no detrimental overlooking as to justify a refusal within the proposal.”

9.77. Commenting on natural light, outlook and daylight, the Committee Report (CD 3.2) stated:

“3.2.30 The setting out of the buildings within the masterplan and the separating distances between the blocks are essential parts of the design intent to maximise natural day light penetration from sunlight throughout the day. In respect of outlook, the proposal also provides a total of 382 dual aspect units (70.2%) and there are no north facing single aspect units. On balance, and considering the site constraints and context, it is considered that the development would achieve acceptable levels of daylight and sunlight compliance.”

With reference to the layout plans, there are no north facing single aspect apartments and only one south facing single aspect apartment (ground floor of Block A). Otherwise, all dwellings are dual aspect or single aspect facing east or west. The approach to plotting and layout which includes single aspect apartments affords a very high degree of ‘active frontage’ to the surrounding public and communal spaces. See Figure 41 below.



Figure 41: Extract from Ground Floor Plan Part 1 (CD 2.6)

Outlook

- 9.78. The appeal scheme is designed in accordance with NDG para 129. *Well-designed buildings are carefully integrated with their surrounding external space. All private and shared external spaces including parking and NDG para 130. Well-designed private or shared external spaces are fit for purpose and incorporate planting wherever possible.*
- 9.79. With reference to Figure 40 and the Ground Floor Plan Parts 1 and 2 (CD 2.6/ 2.7) at ground floor apartments are provided with private terraces that provide separation from the communal and public spaces of the appeal scheme. Where appropriate there is additional hedgerow planting to maintain a degree of separation and privacy from the public realm. Above, apartments benefit from private balcony space.
- 9.80. Dwellings principally have an aspect towards the tree lined spine road, the park or the public and private communal spaces.

9. Resources: Efficient and Resilient

- 9.81. A Whole Life Carbon Assessment, Energy Statement and a Sustainability Statement have been produced by Think Three Limited and submitted in support of the application. (CD 1.10 Energy Statement, CD 1.12 Sustainability Statement). With reference to these statements the proposed development incorporates a number of key sustainability measures and features.
- 9.82. In accordance with London Plan Policy D3 (13) “aim for high sustainability standards (with reference to the policies within London Plan Chapters 8 and 9) and take into account the principles of the circular economy” the appeal scheme been subject to the highest degree of scrutiny insofar as the sustainability requirements of the London Plan, including Circular Economy and Whole Life Carbon assessments will be satisfactorily addressed as set out in the Whole Life Carbon Assessment, Energy Statement and a Sustainability Statement.
- 9.83. In accordance with London Plan Policy D3 (14) “provide spaces and buildings that maximise opportunities for urban greening to create attractive resilient places that can also help the management of surface water”; the supporting landscape adds to the urban greening of the appeal site. The appeal site was formally industrial in its use with a couple of perimeter trees, the proposal transforms this by introducing new public open spaces that have a variety of landscaped treatments, which will enhance the area.
- 9.84. Local Policy DM04 requires all major developments to demonstrate through the submission of an Energy Statement that the scheme complies with the Mayor’s targets for reductions in carbon dioxide emissions with the framework of the Mayor’s energy hierarchy. With reference to the Whole Life Carbon Assessment, Energy Statement and a Sustainability Statement (CD 1.10 Energy Statement, CD 1.12 Sustainability Statement), the appeal scheme will reduce regulated CO2 emissions by incorporating a range of passive design and energy efficiency measures for all buildings, including improved building fabric standards beyond the requirements of Part L of the Building Regulations and energy efficient mechanical and electrical plants. These measures will enable the proposed development to exceed Target Emission Rates (TER) and Target Fabric Energy Efficiency (TFEE) minimum standards through energy efficiency measures alone.

10. Lifespan: Made to Last

- 9.85. Within the appeal scheme, communal spaces will be managed in accordance with the NPPF 130 a) *will function well and add to the overall quality of the area, not just for the short term*

but over the lifetime of the development and NDG para 54. Well-designed places consider management and maintenance regimes from the early stages of the design process and set them out in a management plan.

- 9.86. In accordance with London Plan Policy D3 (12) *“be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well”*; I consider that the materials proposed are robust, take reference from the surroundings and will attractively weather overtime.

Summary

- 9.87. The appraisal in this Section demonstrates that the appeal scheme responds well to the criteria of the NDG; and in particular those that relate to the urban design rfr with regard to the appropriateness of the response to character and design quality.
- 9.88. In terms of character, the Combined Permitted Scheme is particularly relevant as it demonstrates that the Council are not seeking on this site to replicate the pattern, built form and character of the surrounding residential areas, and that it is accepted that the appeal site can be ‘of its own’ design that will contribute to the wider area.
- 9.89. In terms of design quality, I concur with the conclusions of Officers and the GLA and support the appeal scheme.

10. RFR 1: Response to Context

10.1. Rfr1 states:

“1. The proposed development, by virtue of its scale, massing and density would represent an over development of the site resulting in a visually obtrusive form of development that would fail to respect its local context and the pattern of development in the area, to such an extent that it would be detrimental to the character and appearance of the area. The proposal would therefore not constitute a sustainable form of development and would be contrary to the provisions of the NPPF; Policies D3 & D4 of the London Plan (2021); Policies CS NPPF, CS5, DM01 and DM05 of the Barnet Local Plan Core Strategy and Development Management Policies (2012).”

Appraisal of Townscape and Visual Effects

10.2. The Council’s Statement of Case asserts that:

“ The appeal proposal fails to reflect the height, scale, and pattern of these surrounding buildings resulting in a harmful juxtaposition between the proposed buildings and the surrounding area. The proposed development would be out of character with the existing low rise suburban development in surrounding roads including Leicester Road, Hertford Road, Lytton/Bulwer Rd and Victoria Road. In the context of these surrounding suburban streets, the proposed scheme would be highly dominant, discordant, and harmful, therefore it fails to have regard to local context. This is illustrated in the townscape visual appraisal views, notably from Leicester Road, Hertford Road, Lytton/Bulwer Rd and from Victoria Recreation Ground itself, including viewpoints 8a, 8b, 8c, 8d, 14, 15 and 16. Although the visual images assist in the assessment, the nature of this harm is best understood as part of a kinetic moving experience and the site visit will be important to appreciate that.”

10.3. This Section considers the local townscape and considers whether the appeal scheme would result in a ‘harmful juxtaposition’. There is no view of the appeal scheme from Hertford Road, but there is one nearby from Armstrong Crescent.

10.4. Prior to undertaking a review of the visual effects of the appeal scheme upon local context with regard to the above, it is worth recalling the existing townscape context and the townscape that has been identified as acceptable on the appeal site with regard to the Combined Permitted Scheme. See Figure 42.



Figure 42 Above: View of Armstrong Crescent. Source Google Earth. Below: Character of the Combined Permitted Scheme. Source Submission material

10.5. As evident from Figure 42 there is an accepted change in character, scale, height, built form, architectural style, density, as between the existing suburban estates such as Armstrong Crescent to the north west of Victoria Park and the Combined Permitted Scheme. This change was not considered a harmful juxtaposition in character for Members in approving the Combined Permitted Scheme.

10.6. The following paragraphs consider each of the viewpoints identified by the Council's Statement of Case with reference to the Full Updated Verified Views CD 1.17. The verified

views (Full Updated Verified Views CD 1.17 November 2021) available to the appeal were not updated to reflect the reduced heights of the appeal scheme.

Armstrong Crescent

- 10.7. VP9 is from across the green space at Armstrong Crescent. Presently the edge of the appeal site is screen by planting. With regard to the VP9 Proposed view, the appeal scheme may be discernable between the trees, but not above them and not prominent. The appeal scheme remains in the background to this view and the attention of the viewer remains the green space. I do not consider that addition of the built development on the appeal site to be a harmful juxtaposition.



Figure 43: VP9 Existing



Figure 44: VP9 Proposed

Leicester Road

- 10.8. VP14 is a view east along Leicester Road, presently characterised by a mix of dwelling types. As illustrated by VP 14 Proposed, the seven storey Block F may just be discerned in the background, behind the distinctive red brick building and trees that terminate the view. The proposed building is seen in the far distant background and set below the skyline, visually contained by the two storey terraced housing in the fore and middle ground. The appeal scheme is an addition and of a different style to the suburban houses in the foreground. However as evident from walking the street and Figure 47 below, there is a considerable variety in built form along Leicester Road such that a difference in form and scale is not intrinsically harmful juxtaposition.



Figure 45: VP14 Existing



Figure 46: VP14 Proposed



Figure 47: Townscape Leicester Road towards the railway line. Source Google Earth

- 10.9. Also, in the context of the Combined Permitted Scheme, the proposed Block F is lower than the approved eight storey Block A which would have been sited immediately behind and more visible. No townscape harm was identified in this respect.
- 10.10. I therefore, do not consider the appeal scheme to be dominant in this view, nor to impact harmfully upon the suburban context.

Bulwer Road

- 10.11. VP 15 is a view to the west of the railway line from Bulwer Road towards and towards Block E which would be at seven and six storeys. With reference to VP15 Proposed, Block E would be seen in the far distant background and set at the skyline. The distant view of the proposed buildings is framed by the three storey apartments and two storey terraced housing in the fore and middle ground. I do not consider the appeal scheme to be dominant in this view. I do not consider that the juxtaposition to be harmful, nor to impact harmfully upon the varied local townscape.



Figure 48: VP 15 existing



Figure 49: VP 15 Proposed

Victoria Road

- 10.12. Evident in the existing townscape views along Victoria Road is a mix of traditional and contemporary buildings, of different height, scale and form. The proposed view includes Blocks H and J which are contemporary in style, in common with the Combined Permitted Scheme. See Figures 50 - 51.
- 10.13. There is a juxtaposition but this is not harmful. The variation in height is not significant – the proposed buildings H and J are seen just above the foreground ridgeline.



Figure 50: VP4 Existing



Figure 51: VP4 Proposed



Figure 52: VP7 Existing



Figure 53: VP7 Proposed



Figure 54: Elevation of frontage to Combined Permitted Scheme 16/7601/FUL

Victoria Park: From the path

- 10.14. Viewpoints VP8 (1) and 8D are views from the tree lined path looking towards the town centre and the National Grid depot. Along the path towards the town centre view the towers within the centre become evident as illustrated at Figure 2 earlier.



Figure 55: VP8 (1) Existing



Figure 56: VP8 (1) Proposed



Figure 57: Viewpoint 8D Existing



Figure 58: VP8 D Proposed, Note building A at far left of frame is shown at 8 storeys and not the reduced height

- 10.15. At VP8B 1 and VP8 D - Proposed, the proposed buildings are revealed between and above the trees. There is change, but within this context one would also see the new Leisure Centre to the east - a building which is not screened by trees and a far greater juxtaposition upon the openness of the park when compared the built form screened by trees above. A feature of Victoria Park is the tree planting along the boundaries and the path, such that there will be many instances where the buildings are predominantly screened or framed by trees. I would not consider the buildings to be a discordant addition – particularly given the context of the Combined Permitted Scheme which accepts new buildings. The view is a change, but I do not consider the buildings to create a harmful juxtaposition.

Victoria Park at the edge of the park adjacent to the appeal site

- 10.16. VPs 8A2, 8A3 and 8B C are taken towards the edge of the boundary to Victoria Park at the edge of the appeal site. The principal of large buildings at five storeys at this edge is accepted in the Combined Permitted Scheme.



Figure 59: VP8 A2 Existing



Figure 60: VP8 A2 Proposed



Figure 61: VP8 A3 Existing



Figure 62: VP8 A4 Proposed



Figure 63: VP8 C Existing



Figure 64: VP8 C Proposed

- 10.17. The change would be a marked juxtaposition considering the present openness of the appeal site. However, change is accepted and the difference between the appeal site and the Combined Permitted Scheme at this edge is of built form and height.

- 10.18. The difference in built form I do not consider to be any more a harmful juxtaposition. At this proximity to the appeal site, nor would I consider the additional height of the appeal scheme, to be harmful.
- 10.19. Considering whether the appeal scheme would be visually obtrusive, the Committee Report (CD 3.2) summarised:
- “3.3.9 The bulk, scale and massing of the scheme is broken down into a series of blocks responding to the surrounding context, including the neighbouring properties on Victoria Road, Victoria Recreation Ground and Network Rail land. It strikes a balance of optimising the density whilst providing a scheme that is appropriate in respect of character and appearance as well as achieving high quality accommodation for occupiers and maintaining amenity for neighbours. The townscape analysis demonstrates that the proposal has little impact on the neighbouring surroundings.”*
- 10.20. There is no imperative in terms of policy or guidance for the development to replicate the height and scale of the residential buildings within the surrounding area, which are varied and lacking local distinctiveness. As I set out earlier, there is a Combined Permitted Scheme of buildings of height which was considered acceptable to the Council. I concur with the opinion of Officers and the GLA. This is not an area particularly sensitive to change and I do not consider that the effects of the appeal scheme will be harmful to the existing or emerging character. Rather, I believe the appeal scheme will enhance local character.
- 10.21. With regard to my appraisal of the appeal scheme at Section 8, I consider that the appeal scheme is a sustainable form of development and is consistent with the NPPF; Policies D3 & D4 of the London Plan (2021); Policies CS NPPF, CS5, DM01 and DM05 of the Barnet Local Plan Core Strategy and Development Management Policies (2012).

11. Other Design Matters

11.1. This section addresses matters raised by the NBCA's SofC.

Placemaking

11.2. At paragraph 3.1 the NBCA asserts that the appeal scheme is regimental in character and that this lacks variety in building typology and design ambition contrary to (NPPF) Section 12, London Plan (2021) Policy D6 and Barnet Policy CS1, CS5, DM01 & DM05. At Section 8 I set out the placemaking characteristic of the appeal scheme with reference to these policies, guidance and the NDG.

11.3. There is no policy or guidance that dictates typology or form.

11.4. The 'regimental' character, in that there is an ordered structure, is no different an approach to the ordered layout accepted by the Combined Permitted Scheme (as illustrated earlier). For the appeal scheme, as part of the built character there is variation in the detailing of blocks (as set out in the DAS there are a number of character areas), but it is right that there can, and should be, an overall character (as illustrated by the Combined Permitted Scheme). Homogeneity is characteristic of some of the adjacent suburban housing areas as identified earlier and would help define the 'Victoria Quarter'.

11.5. At paragraph 3.2 the NBCA states that:

"The GLA officers noted in their pre-app advice of 7th June 2021 that they considered that there is now scope to explore alternative layouts and architectural typologies to find an optimal design solution for the site".

11.6. This is to ignore that ultimately the GLA supported the design and acknowledged the design scrutiny undertaken. The GLA has not objected to the proposed development on the basis that it does represent an optimal design solution for the appeal site.

11.7. At paragraph 3.4 the NBCA refer to London Plan Policy D9 (B) and tall buildings. With buildings below eight storeys, the appeal scheme does not propose a tall building in respect of Policy D9 (B), as is accepted by the Council.

Design Process

11.8. At paragraph 3.7 of their SofC, the NBCA asserts that without documentary proof, the record of engagement within the DAS should be discounted.

11.9. From experience there is no benefit to mis-record/report upon pre-application meetings which are important to the design and the planning process. It is also reasonable to expect that officers would have made the appellant's design team aware of any issue as such during the 12 months of design development, and that in recommending the appeal scheme to Members for approval, officers had come to a reasoned and informed decision. I therefore reject the NBCA's assertion.

Residents: access to Basement Bin Stores

11.10. At paragraph 5.1 the NBCA state that waste management of the site is designed to be complex and labour intensive, risking the sustainability of the scheme, contrary to London Plan Policy D6 (B) and Table 3.2 (iv).

11.11. Considering access to the basement refuse areas for Blocks B1, B2, C1, C2, D1 and D2, with reference to the Basement Floor Plan (CD 2.5), the refuse areas for these blocks are located adjacent to the lift and stair core, conveniently located for residents whom would therefore either use the lift or stair to access these areas. Collection would be the responsibility of the management company taking the bins through to a central basement refuse collection store and via lift to the ground floor of C1 and for collection from street adjacent to a loading area. All refuse areas that connect internally are further secured by a lobby to residential areas.

11.12. Considering walking distance to the bin stores for residents of the blocks, all dwellings are within a short walk of the lift or stair; and from the basement, would be conveniently adjacent to the bin store. I do not consider that residents are at a disadvantage for basement refuse stores. Rather, there is an advantage in the increase of active ground floor uses by locating bins below ground.

11.13. On collection day the bins can be taken directly to the refuse vehicle by the management company. This is not considered to be over-complex nor would I consider it to be 'over – expensive' considering that there will be a basement with level access; and for apartment complexes one of the functions is usually waste management. I therefore consider that the appeal scheme complies with London Plan Policy D6 (B) Table 3.2 (iv).

Inclusivity

- 11.14. With reference to the Tenure Plans, the 'affordable' housing comprises shared ownership and London Affordable Rent. It is located within the blocks adjacent to the railway (G, F4, F3, F2, F1 and E); Block D1 along the spine road; Blocks J and H. Only Blocks G, F3, F2, F1 and E are only affordable. Blocks F4, J, H are mixed private and affordable and only B1, C1, B2, C2 and D2 are wholly private. Outwardly the appeal scheme is designed 'tenure blind'. All residents have access to the private communal spaces between the private blocks. This will be an integrated and inclusive environment.

Space Standards

- 11.15. There are references made within the NBCA SofC that imply the space standards should be exceeded (paragraphs 3.6 and 7.2) and that because these standards are met, it follows that the appeal scheme is over dense. I disagree. To the contrary, in accordance with policy that the dwellings meet the standards is demonstrable that the appeal scheme is not over-dense and simply put, 'optimised'. This statement of the NBCA is also to ignore the whole appeal scheme and the attractive communal spaces afforded residents.

Risk of Overlooking

- 11.16. The Council has raised no issue with privacy. The 20m separation distance is considered appropriate and is measured from the windows of dwellings, not the edge of balconies. A minimum standard of 18-21 metres is set by the Mayor of London in the 2016 Housing SPG and the Council's minimum standard is 'about' 21m (CD 6.7). With regard to the layout and floor plans, I concur with Council Officers and do not consider that is a significant risk of overlooking. Where balconies are facing balconies, the shortened distance would afford some views between living rooms and not bedrooms or between living rooms and bedrooms (which are reasonably more sensitive to overlooking).
- 11.17. The proposed separation distances, which were resolved in direct response to the Refused Scheme; contrast with the extent of overlooking that was evident with the Combined Permitted Scheme but accepted by officers. It is plainly evident that a degree of closeness or 'intimate mews relationship' is accepted for urban developments (as noted in the Committee Report for the Combined Permitted Scheme referred to earlier CD 13.2).

Ramp Detail to Proposed Pedestrian Tunnel Beneath Railway Line

At paragraph 6.4 the NBCA identity issue with the provision of the ramp to the railway tunnel beneath the railway. The ramp detail is included within the legal agreement of the extant permission. There is no requirement to progress the ramp scheme further than has already been approved. The ramp information is included within the Stage 1 response to the GLA.

12. Conclusion

- 12.1. The Appellant's design team has worked with Council Officers, the GLA to produce a planning application consistent with the aspirations of policy and the appeal site.
- 12.2. The appeal scheme has evolved through an iterative process with Council officers and from consultation.
- 12.3. The Committee Report covers the design of the appeal scheme in depth, and has been informed by the comments of other officers, statutory consultees, third parties and consultation. The Committee Report concluded that planning permission should be granted.
- 12.4. It is reasonable to expect that when recommending the appeal scheme for approval, the Case Officer was well versed with the local context, the site constraints and opportunities, having regard to all the views of consultees and local residents, design review and the requirements of design policy and guidance to come to an informed and balanced judgment.
- 12.5. The appeal scheme will enhance the local character, replacing a redundant gasworks site with a new urban quarter (the 'Victoria Quarter'); a place that will contribute to and improves the surrounding built fabric. This is not to deny the Borough's 'suburban' character, but recognises that there are opportunities within areas not distinctive or sensitive to change for a greater density of development, particularly in locations as close to district centres as proposed. It is right that the appellants and the design team sought further to optimise the development potential of the appeal site, whilst of course having regard to good design.
- 12.6. Having undertaken an appraisal of the appeal scheme against the criteria set by the NPPF, the National Design Guide (**NDG**) and supporting policy and guidance; I consider that the buildings would be of high quality.
- 12.7. In the absence of up-to-date local design guidance, the NPPF explains that the NDG/NMDC are to be used to assess the design. Since Barnet has no up to date local design guidance I have appraise the scheme against the NDG. The development reflects this Government guidance on design and as a result this is to be given significant weight in favour of the grant of planning permission as required by paragraph 134 of the NPPF.

12.8. Through an appraisal of the appeal scheme in its context, my evidence demonstrates that whilst the development will of course give rise to change, this is not harmful and that:

- The appeal scheme will enhance the local context; regenerating a brownfield site with a vibrant, new community. The appeal scheme will create an attractive place;
- Views along street spaces will change, but there is an evident contrast in built form, height and scale within the surrounding context. From Victoria Park one can already see existing tall and large buildings in the context of the suburban houses beyond to the east. In this urban location, a visual 'conflict' in height and scale is patently not incongruous;
- Relevant urban design policies and guidance have been met; and
- This would be a high quality and attractive scheme.

12.9. In my opinion, the appeal scheme is well-designed and contextually appropriate having regard to its neighbours and townscape. With regard to urban design matters, Rfr 1 is not justified.