

**LOCATION:** 1 Willow End, London, N20 8EP

**REFERENCE:** B/02796/14

**Received:** 23 May 2014

**Accepted:** 18 July 2014

**WARD(S):** Totteridge

**Expiry:** 12 September 2014

**Final Revisions:**

**APPLICANT:** Mr Slagel

**PROPOSAL:** Retention of single storey wooden cabin and deck, privacy screen and alterations to include removal of sink and oven and window in flank elevation

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: location plan, block plan, Elevation C and D/Changes (dated 7.10.2014), Elevations A and B, floor plans, interior plan/Blocked sink and window (dated 7.10.14), photographs (received 7.10.2014).

**Reason:**

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 2 The privacy screen adjoining the rear gardens of Greenway Close shall be maintained at the same height and length at all times.

**Reason:**

To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

- 3 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the east and west elevation facing 2 Greenway Close and 2 Willow End.

**Reason:**

To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

- 4 The use of the outbuilding hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit.

Reason:

To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

## **INFORMATIVE(S):**

- 1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people". The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

### The Mayor's London Plan July 2011:

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

Relevant London Plan (2011) Policies: 7.4 and 7.6

Relevant Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012.

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.

Relevant Development Management DPD (2012): Policies DM01, DM02.

Supplementary Planning Documents and Guidance

The Council's Residential Design Guidance SPD was adopted by Cabinet in April 2013. This sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation.

Included advice states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

In respect to amenity, extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

The Council adopted a Sustainable Design and Construction SPD in April 2013, following public consultation. This SPD provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

Relevant Planning History:

Site Address:	1 WILLOW END TOTTERIDGE LONDON N20 8EP
Application Number:	N05312D/00
Application Type:	Full Application
Decision:	Approve with conditions
Decision Date:	03/04/2000
Proposal:	Part single, part two-storey rear extension.

Site Address:	1 Willow End LONDON N20
Application Number:	N05312C
Application Type:	Full Application
Decision:	Refuse

Decision Date:	25/10/1999
Proposal:	Two-storey rear extension.
Site Address:	1 Willow End LONDON N20
Application Number:	N05312A
Application Type:	Section 192
Decision:	Lawful Development
Decision Date:	01/07/1999
Proposal:	Conversion of garage to playroom and replacement of garage door with window.
Site Address:	1 Willow End LONDON N20
Application Number:	N05312B
Application Type:	Full Application
Decision:	Refuse
Decision Date:	12/07/1999
Proposal:	2 storey rear extension, first floor side extension and dormer window on east elevation.
Site Address:	1 Willow End Totteridge N20
Application Number:	N05312
Application Type:	Full Application
Decision:	Approve with conditions
Decision Date:	27/10/1976
Proposal:	Single storey rear extension.

### Enforcement Notices

Reference Name	ENF/01394/12/B
Description	Without planning permission the construction of raised decking in the rear garden within the last four years
Reference Name	ENF/01303/13/B
Description	Without planning permission, the erection of a rear garden outbuilding incorporating raised decking and the use of the outbuilding as a separate residential dwelling within the last four years.

### Consultations and Views Expressed:

Neighbours Consulted: 11      Replies: 7  
 Neighbours Wishing To Speak 1

The objections received include 5 householders, Three Closes Residents' Association and Totteridge Residents Association and their views can be summarised as follows:-

1. Disapprove of retrospective application.
2. The size and design of the building with the decking is more like a bungalow capable of independent living.
3. Excessively large structure for suburban garden. Size, mass and bulk of building out of keeping for the area and site.
4. Screening for decking is excessively large, unattractive and increases mass of side elevations.
5. Screening is inappropriate in area where boundaries are marked by natural hedges, call attention to the dominant nature of building and does not obscure side window.

6. Due to elevated position the mass of the east elevation would adversely impact properties in Greenway Close which are downhill of the site.
7. Side window is intrusive and results in overlooking, although a blind has been fitted this can be opened.
8. Condition should be imposed to ensure building integral to the main dwelling.
9. Structure has been advertised as a dwelling, listed as a guest house on the web and previously was referred to as a summer house. It was built as a self-contained separate dwelling. Although minimal changes are proposed the nature of the construction remains the same, the previous use could be restored over time at no effort or cost.
10. Irrelevant that the plans do not show kitchen appliances or use as bedrooms these could be reinstated. It has a full bathroom.
11. Drains have been laid and connected to main system without permission or inspection by relevant authorities. And without registration to pay for the service.
12. Increase density of housing in small road, and the call on infrastructure and services would set an unwelcome precedent and change nature of environment.
13. Granting permission would establish a precedent that will be welcomed by unscrupulous property developers who are targeting the area.
14. Retrospective planning permission should not be allowed and enforcement action against the building and drains should be taken.
15. Have not consulted although regarded as material neighbours.
16. Overlooking and loss of privacy and peace and quiet, which is not addressed by privacy screen.
17. Rear extension built on main house without planning permission.
18. Replacement building should be erected on ground level.
19. Height of building makes it clearly visible and spoils view in winter.
20. Building built on decking and questions whether height breaches planning rules.

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site is a detached two storey property located on the north site of Willow End. The rear gardens of Greenway Close adjoin the eastern boundary.

The site does not fall within the Totteridge Conservation Area and the building is not a Listed Building.

### Proposal

Towards the rear of the garden there is a natural change in ground level of 87 centimetres creating a natural plateau. A new timber outbuilding has been constructed on this plateau, with an integral raised wooden platform/decking which is accessed by stairs from the garden which in turn gives access to the outbuilding. The outbuilding measures 4.5 metres deep and 10.5 metres wide (almost spanning the full width of the rear garden). It has a shallow pitch roof measuring 2.2 metres to the eaves and 2.5 metres to the ridge, although as the land has been levelled the

maximum height of the building from ground level is approximately 3.37 metres. The building is set 1.2 metres from the boundary with both No. 2 Willow End and the rear gardens of Greenway Close. The building is to be used as a home office and a family recreation area. Internally it has been divided to include an office area, a bathroom which includes a toilet, sink and shower, a play area and a seating area.

An artificial privacy screen attached to the outbuilding has been erected on the decking adjoining the boundary with the rear gardens of Greenway Close. It has a maximum height of 2.2 metres (3.07 metres from original ground level) and width of 4.2 metres.

### Planning Considerations:

The main issue in this case are considered to be covered under three main areas:

- The living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the area, having regard to the size and siting of the proposal;
- Whether the use of the building is out of character with the locality;

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity.

Policy DM01 of the Development Management Policies (Adopted) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The development standards set out in Policy DM02: Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

The Council's SPD 'Residential Design Guidance' advises that outbuildings should ensure that they do not cause undue harm to the street, are not overbearing, intrusive, cause overshadowing or undue harm to the amenity of neighbouring occupiers and users. It also states that all development proposals should protect and enhance residential gardens.

The outbuilding has previously been investigated and the raised rear decking was subject to an enforcement notice reference ENF/01394/12/B. The notice was appealed and quashed, as the Inspector considered that the decking could not be considered independent to the outbuilding.

In paragraph 10 of the appeal decision the inspector states " In this case, the problem is that the platform is not a self-contained independent structure; it is physically attached to the outbuilding. The design and layout of the outbuilding and raised platform indicates that both are interconnected and were constructed as a single building operation. It was considered that the whole development would fail

the terms of paragraph E.1 subparagraph (g) of Schedule 2, Part 1, Class E of the General Permitted Development order because the outbuilding includes the provision of a raised platform."

The planning department also received a number of concerns from neighbours regarding the use of the outbuilding. Following an inspection of the outbuilding following the appeal site visit, it was established that it contained all the facilities to be used as a separate residential dwelling, including a kitchen, a bathroom and sleeping facilities.

As a result of the quashed appeal and the site visit a further enforcement notice was served relating to the whole structure and the use of the building as a separate residential dwelling. The grounds of the Enforcement Notice include that the building and decking by reason of its design, siting and location results in a significant loss of privacy and overlooking to the rear gardens of the adjoining properties on Greenway Close.

It also cites that the use of the rear garden outbuilding as a separate unit of residential accommodation constitutes an incongruous and opportunistic form of development detrimental to the character of the property and surrounding area. Insufficient outdoor amenity space has been provided that fails to meet the required standard, to the detriment of present and future occupiers residential amenity and that the outbuilding is substantially overlooked from the rear garden of No. 1 Willow End, resulting in a significant loss of privacy to the occupiers of the rear garden outbuilding. It is considered that the scheme is contrary to policy DM01 and DM02 of Barnet's Local Plan Development Management Policies DPD 2012 and Supplementary Planning Document: Residential Design Guidance 2013.

The Enforcement Notice required the removal of the rear garden outbuilding and raised decking and for the use of the outbuilding as a self-contained residence to cease, including removal from the property of all constituent materials resulting from the works above.

The current application has been submitted to overcome the grounds of the Enforcement Notice and to regularise the structure as a whole.

#### Impact on the amenities of adjoining neighbours

The artificial hedge privacy screen has been erected on the decking area on the boundary with the rear gardens of Greenway Close to overcome the overlooking and loss of privacy to these properties. Given the height of the screen and the artificial nature of the screen, which would provide a permanent screen all year through, it is considered that the screen does prevent overlooking and loss of privacy to the rear gardens of Greenway Close. It is also proposed to remove the window in the flank elevation which overlooked No. 2 Greenway Close rear garden. Evergreen screening is also present beyond the deck on the boundary with Greenway Close which also helps to prevent overlooking.

Due to the decking and outbuilding being built on raised levels, the privacy screen and the building are of a greater height than a standard 2m high fence and are visible from the rear gardens of Greenway Close and Willow End. However it is

considered that given the height of the building is 3.37 metres to the ridge, the boundary screen only just exceeds 3 metres and the structure is located adjacent to the end of the rear gardens of adjoining neighbours, that on balance the overall height of the scheme would not unduly over-shadow or adversely affect the amenities of the adjoining properties habitable rooms or rear gardens. The relationship with the properties in Willow End is also considered acceptable given the screening on the boundary and that the building is located to the rear of the site.

#### Impact on the Character of the Area

The SPD Residential Design Guide advises that garden buildings should be located to the rear of properties and that building materials used should respect the existing buildings and overall character of the area. It also states that garden buildings should not be too large or significantly reduce the size of a rear garden to become out of character with the area. The current scheme is located to the rear of No. 1 Willow End's garden. The outbuilding is a substantial building covering approximately a third of the rear garden, however given that a significant amount of useable amenity space of lawn and patio would remain it is considered that the building would not adversely affect the overall character of the area. The building is constructed of timber which relates satisfactorily to the existing character of the area.

#### Use of the Building

The building is to be used as a home office and for family recreation, which has been altered from the use referred to in the Enforcement Notice. The oven and sink have been removed. A seating area now remains where the kitchen facilities were sited. The bathroom does remain however. The remaining space is divided to include an office area and play area. It is considered that the use of the building would now be incidental to the enjoyment of the dwelling house, which would not be out of character with the surrounding area. The reasons relating to the outbuilding being used as a separate dwelling, the impact on residential amenity and insufficient amenity space are overcome by this change of use. A condition to restrict any self-contained use of the outbuilding in the future is also proposed to add further control.

The proposals would comply with the aforementioned policies and Council Design Guidance on Extensions to Houses and would be a proportionate addition to the dwelling house. It would have an acceptable impact on the character and appearance of the site property, general locality and the residential amenity of neighbouring occupiers.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

The objections raised have been largely covered within the appraisal above, additional comments include:-

1. The Local Planning Authority cannot refuse an application just because it is a retrospective application. The application has to be considered on its planning merits.
2. A condition has been proposed to limit the use of the building and any further change of use would require a separate planning permission.
3. The construction of drainage and the payment of this service are not



- controlled by planning legislation.
4. The statutory requirement to consult adjoining neighbours was undertaken. The neighbours who have previously shown an interest regarding the development commented before additional consultation took place.
  5. There is no rear extension built on the main house without planning permission.
  6. There is no right to a view under planning legislation.

#### **4. EQUALITIES AND DIVERSITY ISSUES**

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

#### **5. CONCLUSION**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.

**SITE LOCATION PLAN:** 1 Willow End, London, N20 8EP

**REFERENCE:** B/02796/14



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