

LOCATION: 11 Dollis Park, London, N3 1HJ

REFERENCE: F/04587/14

Received: 21 August 2014

Accepted: 28 August 2014

WARD(S): Finchley Church End

Expiry: 23 October 2014

Final Revisions:

APPLICANT: Mr A Mahgarifteh

PROPOSAL: Construction of a single storey rear outbuilding for use as a gym.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: EBI/2014/07/01A, E-mail from agent dated 06/10/2014, EBI/2014/07/02.

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 This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

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

Reason:

To safeguard the visual amenities of the building and surrounding area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy 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.

- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £1,131.90 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £4,365.90 payment under Barnet CIL.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The Community Infrastructure Levy becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if

you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

Relief or Exemption from CIL

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity

If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extension

You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build

Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Visit:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

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.

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 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:

Enforcement Notice - Without planning permission the change of use to mixed use of 6 self contained flats and 1 bedsit unit at second floor level within the last four years - Enforcement notice upheld at appeal.

Site Address: 11 Dollis Park LONDON N3
Application Number: C11265
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 15/10/1992
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Conservatory at first floor level at rear**
Case Officer:

Consultations and Views Expressed:

Neighbours Consulted: 17 Replies: 9
Neighbours Wishing To Speak 1

- Property should be converted to lesser number of flats in accordance with the enforcement notice
- Not in keeping with neighbouring gardens
- Over sized and overdominant
- Would detract from character of the area
- Applicant has shown a lack of respect for planning regulations
- Gymnasium is an unlikely addition to a residence
- Construction is in excess of what would be required for a gym.
- Owner may rent out outbuilding.
- Users of the gym would cause loss of privacy
- Noise and disturbance from the use

The Finchley Society have objected on the following grounds:

- Scale of outbuilding is an overdevelopment of the plot
- Proposals reduce amount of amenity space available

- Owner is already not complying with enforcement notice

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site property is a terraced property on the east side of Dollis Park in a predominantly residential area. The site bounds residential properties to either side and a green strip of land to the rear between the site and the underground track.

It is noted that the property is currently in use as flats and that an enforcement investigation is ongoing.

Dimensions:

The proposals are for a gymnasium within the rear garden. The outbuilding would be 4.9m deep and 6.6m wide. It would be 2.5m high to eaves level and 2.8m high to the top of the flat roof.

Planning Considerations:

The site property is subject to an enforcement notice, requiring that the use as 7 flats ceases and reverts to 4 flats which are understood to be lawful. This is currently subject to enforcement investigation and an appeal against the notice has been unsuccessful. The applicant is therefore required to convert the building back to four flats and this matter is ongoing.

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

- The living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal.

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' states that:

In general, rear garden walls and fences should not exceed 2 metres to protect

views and daylight. The same principles apply to the design of back garden buildings as to rear extensions:

- *they should not unduly over-shadow neighbouring properties*
- *they should not be too large or significantly reduce the size of a garden to become out of character with the area*
- *they should not unduly affect outlook from an adjoining property's habitable rooms or principal garden areas*
- *their design and materials should be in harmony with the surrounding area.*

Proposals should consider location of garden buildings such as sheds and greenhouses so that they minimise the impact on neighbouring properties. Garden buildings should be located to the rear of properties. The building materials used should respect the existing buildings and the overall character of the area. Garden buildings should minimise any impact on trees.

The proposed outbuilding has been reduced in height so that it would be 2.5m high to eaves level and 2.8m to the height of the flat roof.

It is noted that there is an existing timber aviary enclosure in the garden though it would appear that no permission exists for this structure.

The site property and neighbouring properties benefit from particularly long gardens. It is not considered that the proposals would harm the character and appearance of the general locality, taking into account the footprint of the proposed outbuilding in relation to the length of the garden.

The outbuilding's height would be low in order to minimise its impact as perceived from neighbouring rear gardens. There are close boarded fences to both neighbouring properties. Although there are relatively few examples of outbuildings in the area the outbuilding would be typical of what would be expected within a suburban environment.

The applicant has advised that the outbuilding would only be used by residents of the existing dwellings and not as a self contained dwelling. A condition would be attached so that the outbuilding is not used for purposes other than those ancillary to the main flats.

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

3. COMMENTS ON GROUNDS OF OBJECTIONS

- Property should be converted to lesser number of flats in accordance with the enforcement notice - *Noted, however this is not grounds to refuse a planning application as some of the flats are understood to be lawful.*
- Applicant has shown a lack of respect for planning regulations

- Gymnasium is an unlikely addition to a residence - *It is considered that a gym is a reasonable addition to a domestic property. Construction is in excess of what would be required for a gym. - The size of the building is considered appropriate.*
- Owner may rent out outbuilding. - *A condition is attached in order to prevent this.*
- Users of the gym would cause loss of privacy - *It is not considered that there would be a material loss of privacy to neighbouring residents.*
- Noise and disturbance from the use

The Finchley Society have objected on the following grounds:

- Scale of outbuilding is an overdevelopment of the plot
- Proposals reduce amount of amenity space available
- Owner is already not complying with enforcement notice

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**.

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