

Location **79 Queens Avenue, London, N3 2NN**

Reference: **F/05592/14**

Received: Andy Parker

Accepted: 28th October 2014

Ward: Woodhouse

Expiry 23rd December 2014

Applicant: Mr I Lucas

Proposal: Demolition of existing rear outbuilding and erection of a single storey granny annexe ancillary to main house.

Recommendation: Refuse

- 1 The proposed dwelling by reason of its siting, overall size, bulk, height and level of activity associated with its use would fail to respect the surrounding pattern of development in the area and would result in a cramped, obtrusive and incongruous form of development that would be unsympathetic to the character and appearance of the site and surrounding area. As such the proposal is considered unacceptable and contrary to Policy CS5 of the Barnet Core Strategy (2012), Policy DM01 and DM02 of the Barnet Development Management Policies DPD (2012) and the adopted Supplementary Planning Document 'Residential Design Guidance' (April 2013).

Informative(s):

- 1 The plans accompanying this application are:0179-04-14/01A- Location Plan; 0179-04-14/02A- Existing Site Plan; 0179-04-14/03A- Proposed Site Plan; 0179-04-14/04A- Existing Elevation Drawing; 0179-04-14/05A- Proposed Elevation Drawing.
- 2 In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) 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 applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.

- 3 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments. This planning application was assessed as liable for a £6750 payment under Mayoral CIL at this time.

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 were set at a rate of £0 per sq m. This planning application was assessed as liable for a £0.00 payment under Barnet CIL at this time.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is 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.

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

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; 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 any appeal being allowed, please contact us: 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 at 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.

Please visit www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil for further details on exemption and relief.

Officer's Assessment

1. Site Description

The application site comprises a two-storey, semi-detached dwelling house located on the western side of Queens Avenue, a residential street comprising of predominantly family sized semi-detached and terraced dwelling houses. The property is not a Listed Building and is not located within a Conservation Area.

2. Site History

Planning applications picked up in spatial search
Site Address: 81 Queens Avenue, London, N3 2NN
Application Number: F/04555/11
Application Type: Section 192
Decision: Lawful Development
Decision Date: 16/12/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Roof extension including hip to gable, 3no. rooflights at front elevation, rear dormer window to facilitate a loft conversion.
Case Officer: Denisse Celi

Site Address:
Application Number:
Application Type:
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal:
Case Officer:

Site Address: 2 Woodlands Avenue, London, N3 2NR
Application Number: F/03653/14
Application Type: Section 192
Decision: Lawful Development
Decision Date: 24/07/2014
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Hip to gable loft extension with rear dormer and juliette balcony to facilitate loft conversion.
Case Officer: Nora Andreea

Site Address: 79 Queens Avenue, London, N3 2NN
Application Number: F/05592/14
Application Type: Householder
Decision: Not yet decided
Decision Date: Not yet decided

Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Demolition of existing rear outbuilding and erection of a single storey granny-annexe ancillary to main house.
Case Officer: Andy Parker

3. Proposal

The application seeks planning permission for the demolition of an existing outbuilding in the rear garden of the site and its replacement with a 1-bed dwelling unit. The application form and Design and Access Statement states that the proposed building would be an ancillary building to the main house and is required because of the personal circumstances of the applicant. Whilst this is noted, plans indicate the outbuilding would provide a lounge, bedroom kitchen and shower room and would therefore be capable of being used as a separate dwelling unit. As such, its use as an ancillary building cannot be adequately secured by a planning condition and this application has therefore been assessed on this basis of it being a separate dwelling unit. The building would be 9.5m wide, 8m deep and 3.5m high with a pitched roof. Access to the premises would be from No.57 Queens Avenue via the side of this property.

4. Public Consultation

10 Neighbours were consulted and 1 comment and 2 letters of objection were received

The letters of objection received may be summarised as follows:

- (i) The proposal would not be ancillary and would be contrary to policy
- (ii) The proposal would set an undesirable precedent
- (iii) The proposed development would be highly visible from neighbouring properties
- (iv) The scale and type of development would be inappropriate.
- (v) The applicants needs could be met by more appropriate development.

The comment received may be summarised as follows:

All necessary regulations should be adhered to in relation to sanitation and waste disposal.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

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 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 make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

- 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. The SPD 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.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that 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.

Sustainable Design and Construction SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main planning considerations would be the impact of the new dwelling on the

- character and appearance of the area,
- quality of amenity for future occupiers
- neighbouring amenity,
- refuse and parking provision.

Character and appearance:

The properties within the surrounding area are characterised by a degree of uniformity in terms of overall scale and layout. The area is characterised by two storey buildings set back by from the highway to create established building lines which is characteristic of a semi-urban locality in Barnet. The gardens of properties along Queens Avenue back onto Woodlands Avenue back on to each other with only modest outbuildings/garden sheds to the rear.

The application site would be clearly visible from neighbouring properties and any proposed development in this location should respect the character of the surrounding area.

The proposed separate dwelling unit in the rear garden of the existing house would fail to respect the surrounding pattern of development in the area.. The proposed building would be situated in proximity to neighbouring properties and its substantial size, bulk, height together with the level of activity associated with the proposed development would result in an incongruous and cramped form of development that would appear visually obtrusive and

unsympathetic to the character and appearance of the site plot and surrounding area. As such, the proposal is considered unacceptable and fails to comply with the Council's relevant policies and guidance.

Quality of amenity for future occupiers

The two bedroom house would have an internal floor area of 50sq.m which would comply with the Council's minimum residential space standards requirements as set out in Table 1.3 of the SPD: Residential Design Guidance (Adopted April 2013). The proposed kitchen/living room and bedrooms would meet the minimum internal floor space requirements specified in Table 2.2 of the Council's SPD 'Sustainable Design and Construction' (April 2013). The proposed room layout would also provide sufficient natural lighting, ventilation and outlook to the habitable rooms.

The proposed overall internal habitable floor space of the proposed single bedroom meets the minimum requirements set out in the Council's Residential Design Guide SPD (2013).

The proposed development provides a patio for the proposed development which would have a floor area of 16.5sqm. As such, the area indicated falls short of the minimum floor space requirement of 40sqm outdoor amenity space for a one bed house. However, the rear garden of No.79 Queens Avenue is considered to be of a sufficient size to ensure that adequate outdoor amenity space could be provided for the existing house and proposed dwelling unit.

In terms of amenity space provision, the proposal is considered acceptable and subject to appropriate conditions would comply with the Council's relevant policies and guidance.

- Neighbouring Amenity

The building would not overlook or overshadow the amenity space of neighbouring properties to an unacceptable degree. Given the building is single storey the existing boundary fencing would be sufficient to ensure that the windows in the side elevations would not give to an unacceptable loss of privacy to the neighbouring properties. The windows in the east facing elevation would be a sufficient distance from No.77, No.79 and No.81 Queens Avenue to ensure that they would not result in the unacceptable overlooking of these properties.

The proposed one bedroom unit is not considered to result in a significant increase in noise and disturbance which would adversely affect the amenities of neighbouring properties.

As such it is considered that the amenities of the occupiers of neighbouring properties would not be adversely affected by the proposed development.

- Parking and refuse

There is an existing car parking space to the front of the site serving the existing property. The scheme provides no parking space, cycle storage or refuse provision has been indicated for the proposed unit. However it is considered that sufficient space could be provided to the front and rear of the existing property in order to ensure that adequate details could be secured by condition were the application to be approved.

5.4 Response to Public Consultation

The comment received in respect of this application is noted. With regard to the letter of objection received points (i) and (iv) are supported in the reason for refusal. With regard to point (ii) each case should be considered on its own merits. Points (iii) and (v) are noted.

6. Equality and Diversity Issues

Officers acknowledge the personal circumstances of the applicant. However, in this case it is considered that these do not outweigh the planning objections raised in respect of the harm to the character and appearance of the area.

7. Conclusion

The proposal, would harm the character and appearance of the host site and surrounding area. As such the proposal is considered unacceptable and fails to comply with the Council's relevant policies and guidance. Consequently the application is recommended for REFUSAL.



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