

**Location**                      **8 Hillview Road London NW7 1AJ**

**Reference:**                      **14/07435/RCU**                      Received: 18th November 2014  
Accepted: 18th November 2014

Ward:                      Mill Hill                      Expiry 13th January 2015

Applicant:                      Mr. Antonio Scarpignato

Proposal:                      Retention of outbuilding at rear garden

**Recommendation:** Approve subject to conditions

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: 61-001; 61-002 and 61-005 received on 18/11/14 and 61-003A and 61-004A received on 12/01/15.

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 CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2     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 or dwelling, nor be used to provide a bedroom or kitchen.

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 Development Management Policies DPD (adopted September 2012).

**Informative(s):**

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

**Officer's Assessment**

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 London Plan is recognised in the NPPF as part of the development plan.

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."

NPPF retains 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.

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 11th 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

Supplementary Planning Document (SPD) - Sustainable Design and Construction

Supplementary Planning Document (SPD) - Residential Design Guidance

Relevant Planning History:

Site Address: 9 Hillview Road London NW7 1AJ

Application Number: W16033/07  
Application Type: Full Application  
Decision: Approve with conditions  
Decision Date: 14/01/2008  
Appeal Decision: No Appeal Decision Applies  
Appeal Decision Date: No Appeal Decision Date exists  
Proposal: Demolition of existing house and erection of two new three-storey houses including basement.  
Case Officer: Sally Fraser

Site Address: Farleigh Lodge, 9 Hillview Road, London, NW7 1AJ  
Application Number: 04588/09  
Application Type: Conditions Application  
Decision: Finally disposed of  
Decision Date: 04/03/2010  
Appeal Decision: No Appeal Decision Applies  
Appeal Decision Date: No Appeal Decision Date exists  
Proposal: Submission of details of Conditions 2 (height) 5 (windows) 6 (windows) 10 (construction work) 12 (landscaping) 13 (trees) 14 (vehicles) 15 (environmental standards) 16 (construction permission) 17 (building maintenance) pursuant to planning permission W16033/07.  
Case Officer: Sally Fraser

Site Address: 9 HILLVIEW ROAD, LONDON, NW7 1AJ  
Application Number: H/02219/08  
Application Type: Conditions Application  
Decision: Approve  
Decision Date: 24/12/2009  
Appeal Decision: No Appeal Decision Applies  
Appeal Decision Date: No Appeal Decision Date exists  
Proposal: Submission of details of conditions 3 (levels), 4 (materials), 7 and 8 (means of enclosure), 9 (pedal cycle stores), 11 (hard and soft landscaping) and 15 (environmental standard) pursuant to planning permission W16033/07 dated 07/01/08.  
Case Officer: Sally Fraser

Site Address: Farleigh Lodge, 9 Hillview Road, London, NW7 1AJ  
Application Number: 01311/09  
Application Type: Conditions Application  
Decision: Finally disposed of  
Decision Date: 23/12/2009  
Appeal Decision: No Appeal Decision Applies  
Appeal Decision Date: No Appeal Decision Date exists  
Proposal: Submission of details of Condition 11 (hard and soft landscaping) pursuant to planning permission W16033/07.  
Case Officer: Sally Fraser

Site Address: 8 Hillview Road, London, NW7 1AJ  
Application Number: H/00743/14  
Proposal: Erection of an outbuilding in the rear garden.  
Application Type: Householder Application  
Case Officer: Emily Benedek  
Decision:  
Decision Date:

## Consultations and Views Expressed:

Neighbours Consulted: 2      Replies: 8  
Neighbours Wishing To Speak 2

The objections raised may be summarised as follows:

- The current structure is unauthorised and this application is for retrospective permission;
- The building has been used for residential purposes in breach of Condition 2 of the previous consent. This use gives rise to a loss of privacy, noise and disturbance;
- The kitchen has been removed but its use as a residence could occur in the future;
- The development is of an excessive height, size and bulk and would be overdominant, being out of character with the area;
- Any privacy screen would exacerbate the overdominating effect;
- The application form incorrectly states that the building is not in line with falling trees;
- The proposal can't as specified be seen from public land but would be clearly visible from neighbouring properties;
- The plans fail to accurately reflect the slope of the land and distance from the neighbouring property;
- The raised decking and climbing frame result in the overlooking of the neighbouring property;
- A large number of people visit the site giving rise to an unacceptable increase in traffic, being detrimental to this quiet semi-rural area;
- The proposal would be situated within 1m of the boundary with the neighbouring property infringing rules;
- There is builders debris in the rear garden.

## 2. PLANNING APPRAISAL

### Site Description and Surroundings:

The application site relates to a detached single family dwelling house located on the south side of Hillview Road which is predominantly residential in character.

### Proposal:

This current application seeks permission for the retention of an outbuilding in the rear garden.

Planning permission ref: H/00743/14, for the erection (retention) for an outbuilding in the rear garden was previously granted on 24/04/2012. The overall siting, size and bulk of the outbuilding under this current application is almost identical to that previously approved. The revisions to the previously approved scheme are as follows:

The approved plans indicated that the external surface would be painted brown and green. However, the external surface of the outbuilding is now timber clad.

Plans submitted with planning application ref: H/00743/14 did not specify the proposed use of the outbuilding. However, a condition was attached which indicated that the building was to be used for purposes ancillary to the main house.

Following complaints that the building was being used as a separate dwelling unit a site visit by an Enforcement Officer established that a kitchen and toilet/shower room had been installed in the outbuilding and the building was therefore considered capable of being used as a separate dwelling unit.

A subsequent site visit by an Enforcement Officer has established that the kitchen had been removed. In order to confirm the existing situation plans submitted with this current application now show the existing internal layout of the outbuilding which provides a gym, storage area, study workshop and shower room.

A raised patio area has been built adjacent to the outbuilding. Plans originally submitted with this current application indicated that the proposal sought to retain a raised patio area with associated fencing. This element has been removed from this current application and this matter is being dealt with by the Council's Enforcement section. This application is therefore for the retention of the outbuilding only.

#### Planning Considerations:

The main issues 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

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.

#### Harm caused to the character and appearance of the area

The application site benefits from a long garden set against the backdrop of a wooded area to the rear. The outbuilding is set 23 metres away from the main property and several other properties in Hillview Road benefit from outbuildings. It was considered in respect of the previous application ref: H/00743/14 that, subject to amended plans which indicated that the external surfaces of the outbuilding would be painted brown and green, the outbuilding would harmonise with the character of the area. Its siting and overall size and bulk was also not considered to result in an overly dominant structure in terms of size or siting.

Whilst the timber cladding is different to that previously approved the materials are considered to be of a high quality and do not detract from the character and appearance of the surrounding area. As stated above, the raised patio and associated fencing no longer form part of this current application and the outbuilding only has been considered in respect of its impact on the character and appearance of the area.

The overall size, bulk, height and design of the subject building would not result in an unduly obtrusive, overbearing and incongruous form of development when viewed from surrounding properties and the locality.

The living conditions of neighbouring residents;

The siting of the windows in the outbuilding is situated some 23m from the residential properties on Hillview Road is as previously approved and it is considered that the overall size and bulk of the outbuilding does not harm the residential amenities of the neighbouring properties through overdominance, overshadowing and loss of privacy.

Letters of objection have been received which indicate that the use of the outbuilding as a residential unit would give rise to a loss of privacy, noise and disturbance. However, it is considered that subject to a condition which would require that the outbuilding would be ancillary to the main house and not used as a separate dwelling, the use of the building would not give rise to an increase in activity, or unacceptable levels of noise and disturbance to nearby residents. Any future use of the building as a separate residence would be in breach of this condition.

### 3. COMMENTS ON GROUNDS OF OBJECTIONS

The objections have been substantially addressed in the main body of the report. The discrepancies on the application form are noted but are not considered to materially effect the determination of this application. At the time of an officers site visit in connection this application no significant builder's debris was noticeable.

The plans are considered to be an accurate representation of the proposal.

### 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.

