

**Location**                    **70 Rosemary Avenue London N3 2QN**

**Reference:**                **15/01074/HSE**                    Received: 18th February 2015  
Accepted: 18th February 2015

Ward:                        Finchley Church End                    Expiry 15th April 2015

Applicant:                Mr Jeetendra Patel

Proposal:                Erection of single storey outbuilding to rear garden

**Recommendation:** Approve subject to conditions

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: SV 472/PG/01 received on 18/02/2015 and SV 472/PG/02 REV B received on 13.04.2015.

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 incidental to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit or dwelling or primary living accommodation.

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. Site Description**

The application site relates to an end of terrace dwelling unit located on the north-east side of Rosemary Avenue and immediately to the south-east of its junction with Primrose Close, a residential cul-de-sac.

The area is predominantly residential in character. The opposite corner property No. 68 Rosemary Avenue has a detached garage which was approved in 1966 (ref: C00695B).

### **2. Site History**

Reference: F/00455/14

Address: 70 Rosemary Avenue, London, N3 2QN

Decision: Approved subject to conditions

Decision Date: 04.04.2014

Description: Two-storey side extension and single storey rear extension. Erection of front porch

Reference: F/02744/14

Address: 70 Rosemary Avenue, London, N3 2QN

Decision: Lawful

Decision Date: 23.06.2014

Description: Extension to roof including formation of 1no. rear dormer and 2no. front facing roof lights to facilitate a loft conversion. The outbuilding is proposed to have a rendered finish.

### **3. Proposal**

Planning permission is sought to erect an outbuilding. Work on the structure has commenced and a site visit on 03.06.2015 has established that the breezeblock walls have been built and the concrete tiled roof over has been installed. Plans indicate that the building would have a rendered finish.

The outbuilding was originally proposed to be used as a garage. However, the applicant has confirmed that the outbuilding is being built for storage purposes. Amended plans have been received to reflect this. The size of the proposed structure has not changed from that originally shown in the amended plans.

The outbuilding abuts the rear boundary of the host site and extends across the entire width of the site. Plans indicate that the outbuilding would be 7.3m wide, 3.7m deep and would have a pitched roof with a maximum height of 3m and an eaves height of 2.5m. A

site visit on 14/04/2015 has confirmed that the extension is being built in accordance with the dimensions specified.

#### **4. Public Consultation**

In respect of the plans originally submitted 7 consultation letters were sent to neighbouring properties.

5 responses have been received, comprising 5 letters of objection.

The objections received can be summarised as follows:

- (i) Work undertaken is a clear health and safety breach.
- (ii) The entrance and exit of emergency vehicles such as fire engines and other long based vehicles such as refuse collection and building supplies will be unable to reach houses Nos. 6-11 Primrose Close as it would restrict turning circles;
- (iii) The previous garage was much shorter both in width and height than the new premises.
- (iv) The building constructed is a dwelling as there is no garage door.
- (v) Barnet Waste Collection can't enter our Close for collection of refuse - we saw the bin men walk into our Close to take the bins out, while being parked on Rosemary Avenue.
- (vi) The new garage has created a significant blind spot for vehicles both entering and leaving the Close, which has no footpath. This is particularly dangerous for children playing/riding bicycles. With the increase of electric cars, one of which we have in our Close, a reduced field of vision further increases the danger level for them.
- (vii) Other properties on Primrose Close should have been consulted.
- (viii) The plans do not reflect what has been built.
- (ix) The builders have removed existing signage to Primrose Close.
- (x) Construction work has caused danger to vehicles and pedestrians.
- (xi) Cars parked on the entrance to Primrose Close impede access and this should be restricted.

In view of the fact that that the outbuilding is proposed to be used for storage purposes and not as a garage as described in the initial consultation letter it was determined to reconsult with a revised description of development. Furthermore, in view of the level of concern regarding this development it was also determined to undertake a wider consultation to include all the properties which form part of the Primrose Close cul-de-sac.

In respect of the further consultation undertaken 18 consultation letters were sent to neighbouring properties. 1 response have been received, comprising 1 letter of objection.

- (i) The proposed roof of the new outbuilding overhangs the kerb boundary onto the land of Primrose Close.

(ii) The title register for Primrose Close, it is noted that Nos. 74, 76 and 80 Rosemary Avenue have access rights via the Close to their properties. There is no mention of No.70.

(iii) Health and Safety issues

Traffic and Development Team:

The site is located in Primrose Close which is a private road and provides access to approximately 16 parking spaces/ garages. There is a garage opposite the proposed building which extends to the edge of the access road.

In view of several factors including the low number of movements in the access road, existing similar arrangements at nearby structures, and that the carriageway is wide enough for two way movement, it is considered that the proposed extension will not result in detrimental impact and the proposal is acceptable on highways grounds.

## **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 2015

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 and CS9.
- Relevant Development Management Policies: DM01, DM02 and DM17.

The Council's approach to development 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)

Sustainable Design and Construction SPD (adopted April 2013)

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the proposal would be detrimental to parking conditions, highway and pedestrian safety and allow suitable access.

### **5.3 Assessment of proposals**

Policy DM01 states that '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.

Policy DM01 also states that 'Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users'.

The Council's SPD 'Residential Design Guidance' states that back garden buildings should not unduly over-shadow neighbouring properties, should not be too large or significantly reduce the size of a garden to become out of character with the area, should not unduly affect outlook from an adjoining property's habitable rooms or principal garden areas and their design and materials should be in harmony with the surrounding area.

The outbuilding abuts the boundaries of the host site and is prominently sited, being located at a point where Primrose Close would bend at 90 degrees. The outbuilding is therefore clearly visible from the street scene and surrounding properties.

However, there are outbuildings of a similar size and bulk to the rear of properties in Rosemary Avenue which abut Primrose Close and there is a larger outbuilding to the rear of No.68 Rosemary Avenue, which has a similar siting being located on the other side of Primrose Close, directly opposite the outbuilding which is the subject of this application. Whilst the outbuilding would be larger than the former detached garage in the rear garden, the overall size, bulk, height, design and materials 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 former detached garage has been removed and the replacement garage does not result in any significant difference with regard to the overall site coverage by buildings in the back garden.

The proposal would result in the loss of an existing parking space. However, there are no parking restrictions in the area and within the vicinity of the host site and Rosemary Avenue is not heavily parked. On street parking is therefore currently available. Highway Officers have not objected to the proposal and it is considered that the design proposed is acceptable in terms of compliance with policies on access, highway and pedestrian safety.

The outbuilding is situated approximately 9m from the rear building line of the adjoining mid-terraced property No.72 Rosemary Avenue and it is considered that the outbuilding would not harm the residential amenities of neighbouring this property through overdominance and overshadowing. The views from the proposed windows in the elevation which would face towards the rear of No.72 Rosemary Avenue would be substantially screened by existing 1.8m high close boarded fencing. As such, it is considered that the proposal would not give rise to an unacceptable loss of privacy such as to justify the refusal of the application.

Subject to a condition which would require that the outbuilding would be ancillary to the main house and not used as a separate dwelling, or for primary living accommodation it is considered that the use of the building would not give rise to unacceptable levels of noise and disturbance or other impacts to nearby residents.

#### **5.4 Response to Public Consultation**

With regard to the initial letter of consultation point (i) is not a planning reason for refusal. With reference to points (ii) and (v), the outbuilding is being constructed within the confines of the host site. Its construction is considered to not restrict existing turning circles and access arrangements for refuse and emergency vehicles. Points (iii) and (iv) have been addressed in the main body of the report. With regard to point (vi) the outbuilding is located on a prominent corner and to some extent would obstruct views at a point where the road bends at 90 degrees. However, traffic speeds in the cul-de-sac are likely to be slow and taking into consideration the comments of the Traffic and Development officer the proposal would not give rise to conditions which would be prejudicial to highway and pedestrian safety. With regard to point (vii) additional consultation has been carried out. Point (viii) has been addressed through the submission of amended drawings. Points (ix), (x) and (xi) are not planning considerations.

With regard to the second letter of consultation the additional points raised in the letter of objection received are not planning considerations.

## **6. Equality and Diversity Issues**

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

## **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers and would not be prejudicial to highway and pedestrian safety. The application is therefore recommended for approval.