

**Location**                      **55 Fernwood Crescent London N20 0RP**

**Reference:**                      **16/00024/HSE**                      Received: 4th January 2016  
Accepted: 6th January 2016

Ward:                              Oakleigh                              Expiry 2nd March 2016

Applicant:                      Mr Paul Matewele

Proposal:                      Conversion of outbuilding to Granny-Annexe. Changes in fenestration to the front, side and rear elevations

**Recommendation:** Approve subject to conditions

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. DDBP-2015-0074.

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     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 shall match those specified in the Application Form.

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 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 or dwelling.

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).

- 5 The roof of the building hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 6 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 or doors, other than those expressly authorised by this permission, shall be placed at any time in the flank elevations facing no. 53 and 57 Fernwood Crescent.

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

- 7 Before the building hereby permitted is first occupied the proposed window(s) in the flank elevation facing No. 53 Fernwood Crescent shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

#### **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 and the Applicant engaged with this prior to the submissions of this application. 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 a semi-detached, two storey dwelling on the northern side of Fernwood Crescent. The site is not within a Conservation Area and the host property is not listed. There is a tree to the rear of the site within a Tree Preservation Order.

### **2. Site History**

Reference: B/04477/14

Address: 55 Fernwood Crescent, London, N20 0RP

Decision: Approved subject to conditions

Decision Date: 6 October 2014

Description: Single storey rear conservatory extension following demolition of existing.

Reference: B/01360/13

Address: 55 Fernwood Crescent, London, N20 0RP

Decision: Refused

Decision Date: 29 May 2013

Description: Single storey rear conservatory extension.

Reference: B/00080/11

Address: 55 Fernwood Crescent, London, N20 0RP

Decision: Approved subject to conditions

Decision Date: 17 February 2011

Description: Single storey rear extension.

Reference: B/00375/11

Address: 55 Fernwood Crescent, London, N20 0RP

Decision: Approved subject to conditions

Decision Date: 22 March 2011

Description: Part single, part two storey rear extension.

Reference: N14461/04

Address: 55 Fernwood Crescent, London, N20 0RP

Decision: Lawful

Decision Date: 28 January 2005

Description: Formation of dormer window and hip to gable roof to form loft conversion.

### **3. Proposal**

This application relates to alterations to the existing outbuilding in the rear garden of No. 55 Fernwood Crescent to facilitate its use as a granny annexe, used ancillary to the main house at No. 55.

The current outbuilding has a depth of 6.1 metres, a width of 7.5 metres and a flat roof height of 2.5 metres. The outbuilding is set back from the common boundary with No. 53 Fernwood Crescent by a minimum of 0.6 metres and from the common boundary with No. 57 by 0.2 metres. The site backs onto a landscaped bank that includes a protected tree and fence beyond that is at a higher level than the garden of the host property. There are no directly adjoining properties beyond the rear fence.

The proposal includes alterations to the outbuilding involving the insertion of 3 no. windows in the front elevation with 1 door being replaced, the insertion of a window in the east elevation and a small window in the rear elevation to facilitate the conversion of the existing building into a granny annexe.

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

Consultation letters were sent to 8 neighbouring properties - No replies received. Councillor Stephen Sowerby has requested that the application be reported to committee for the following reasons:

- it is a back garden development,
- it may be obtrusive and overlook neighbouring properties,
- it will be out of keeping and out of character to the residential area

#### **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 2050. 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 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.

### **5.3 Assessment of proposals**

It is noted that the existing outbuilding on the site to the rear of the property does not benefit from planning permission. Nevertheless, the dimensions of the outbuilding would be lawful under permitted development.

Given that the outbuilding is located to the very rear of the site, and only has a flat roof height of 2.5 metres, it is not considered that the proposal would result in an unacceptable impact on the amenity of any neighbouring occupiers when viewed from rear windows or rear amenity areas. In addition, given the depth of the garden and the height of the building being at single storey with direct facing windows to neighbouring properties conditioned to be obscure glazed, it is not considered that the proposal would result in

overlooking or loss of privacy to any neighbouring occupier. It is also considered that the proposed fenestration would appropriately match the existing main property at No. 55 and that the outbuilding would remain subordinate in scale to the main property.

It is noted that rear outbuildings are not a predominant characteristic within the rear gardens along this stretch of Fernwood Crescent. However, it is not considered that the size of the outbuilding is of a size that is unacceptable and it is also considered that the existing development would improve the appearance of the current structure to the benefit of the character and appearance of the surrounding area.

The applicant has stated that the building would be used as habitable accommodation for elderly relatives and a condition is attached to the development stating that the granny annexe shall remain ancillary to the main dwelling and shall not be converted into a self-contained unit.

The proposed works are therefore considered to sufficiently maintain the character and appearance of the surrounding area.

As the proposal only includes alterations to the fenestration of the existing building, and does not involve the extension or the relocation of the existing building, it is not considered that the proposed development would impact upon any trees to the rear of the site.

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

Addressed in appraisal above.

#### **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. This application is therefore recommended for approval.

