

Location **25 Holmfield Avenue London NW4 2LP**

Reference: **16/2481/FUL** Received: 15th April 2016
Accepted: 21st April 2016

Ward: Hendon Expiry 16th June 2016

Applicant: Miss BRENDA FEIG

Proposal: Single storey rear outbuilding

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: H002-OUT-PP-00; H002-OUT-PP-01; H002-OUT-PP-02; H002-OUT-PP-03; H002-OUT-PP-04

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(s) shall be as those mentioned within drawing nos:

H002-OUT-PP-03
H002-OUT-PP-04

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 ground floor flat 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).

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. 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 host property is a semi-detached dwelling that has been converted into 2no. flats, it's located on the north side of Holmfield Avenue.

The property is not listed or situated within a conservation area.

2. Site History

Reference: W09242A/07

Address: 25 Holmfield Avenue, London, NW4 2LP

Decision: Lawful

Decision Date: 7 April 2008

Description: Continue use of property as 2 No. self-contained flats.

3. Proposal

The applicant seeks permission for a single storey outbuilding.

The proposed outbuilding would measure 6.1 metres wide and 4.9 metres deep. It would have a flat roof with a height of 2.5 metres.

4. Public Consultation

Consultation letters were sent to 6 neighbouring properties.

16 responses have been received, comprising 16 letters of objection.

No. of speakers: 10

The objections received can be summarised as follows:

- conversion of the property into flats.
- parking issues.
- scale
- overlooking/loss of privacy
- removal of existing trees
- sewage issues
- sets a precedent
- overdevelopment
- use of property/possible rent as separate units
- no refuse details.
- Noise pollution from additional people.

- cumulative effect.
- impact on the visual amenities.
- insufficient amenity space.

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 2016

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

Planning Considerations:

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.

The Residential Design Guidance SPD 2013 states the following points with regards to outbuildings:

- 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
- o their design and materials should be in harmony with the surrounding area.

The proposed outbuilding to the rear of the garden space is considered to be a subordinate addition to the existing site and has an acceptable impact on the neighbouring amenities to the side and rear boundaries. A gap of 0.5m would exist between the proposed outbuilding and the side and rear boundaries with the neighbouring properties and therefore by reason of the size, siting and design the outbuilding would have no adverse impact on the neighbouring amenities.

It should be noted that a condition would be added into the approval to ensure that the outbuilding is used ancillary to the existing building in order to ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties.

The outbuilding is considered to be relatively modest in height and it will be sited away from the boundaries of the site; it is therefore not considered to be detrimental to the amenities of adjoining occupiers, in terms of overlooking, loss of privacy or loss of light.

The remaining amenity spaces at approximately 98 square metres is considered to be acceptable and sufficient and acceptable for the type and size of property.

Concerns had been raised regarding the possible use of the outbuilding as a self-contained unit. It is noted that the applicant has not applied for the change of use or the creation of new residential units and as such this cannot be assessed under this application. This would require a separate planning permission. A condition has also been added to be used ancillary to the ground floor flat.

The outbuilding is considered acceptable by reason of the size, siting and design and does not detract from the character of the immediate vicinity. It has no adverse effect on neighbouring amenities, the proposal site, current streetscene and character of the area. The application is recommended for Approval, subject to conditions.

It is noted that the site property is in use as two flats. This use of the property is lawful and immune from enforcement action, and a certificate of lawfulness has been issued confirming this. There is therefore no further action that can be taken regarding this. Furthermore the proposed outbuilding would not intensify the use of the flat to a harmful degree, would not cause harmful noise or disturbance or harm local character given the relatively small amount and nature of accommodation.

A further planning application has been submitted for extensions under reference 16/02867/FUL. The Local Planning Authority is satisfied that, the proposals for the outbuilding would also be acceptable were permission for the extensions to be approved.

5.4 Response to Public Consultation

- conversion of the property into flats - *conversion of the property into 2no. flats was decided as lawful under a lawful development certificate, which demonstrated the continued use as two separate units for a period of over 4 years.*
- scale - *addressed in the main report.*

- overlooking/loss of privacy - *covered in the main report.*
- removal of existing trees - *it is noted that the closest TPO is approximately 7.5 metres from the rear boundary of the property and 8 metres from the proposed development and as such is not considered to have a detrimental impact on this or any other protected trees. The removal on non-protected trees does not require any sort of planning consent.*
- parking issues - *covered in the main report.*
- sewage issues - *is not a material planning consideration; dealt with under building regulations.*
- sets a precedent - *it is noted that several properties in the area have benefitted of similar outbuildings. The proposed outbuilding is not considered to set a precedent.*
- overdevelopment - *the proposed development is considered appropriate for the type and size of property/plot and is not considered overdevelopment.*
- use of property/possible rent as separate units - *covered in the main report.*
- no refuse details - *not required for this type of proposal/application. The proposed outbuilding it's not considered to potentially generate significant extra refuse.*
- Noise pollution from additional people - *the proposed outbuilding is not considered to impact on the number of people and its associated impact.*
- cumulative effect - *the proposed outbuilding under this application and the proposed extension under reference 16/2867/FUL are considered to have an acceptable impact on the character of the area and impact on the amenities of the neighbouring resident.*
- impact on the visual amenities - *covered in the main report.*
- insufficient amenity space - *the remaining garden space is considered to be sufficient for a two bedroom flat. The first floor flat has no access to the garden. This would still be acceptable were permission for the extensions under the accompanying application be approved.*

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.

