

**Location**                            **104 Nether Street, London N12 8EU**

**Reference:**                        **16/2710/RCU**                            Received: 25th April 2016  
Accepted: 18th May 2016

Ward:                                    West Finchley                                Expiry 13th July 2016

Applicant:                            Mr Fujun Liu

Proposal:                              Retention of existing front boundary wall with railings. Retention of existing fenestration (Retrospective)

**Recommendation:** Approve subject to conditions

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: 538-EX-00.

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).

**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 site property is a detached single family dwelling house located on Nether Street. The property is not listed and does not lie within a Conservation Area.

### 2. Site History

Reference: 15/01413/HSE

Address: 104 Nether Street, London, N12 8EU

Decision: Approved subject to conditions

Decision Date: 30 April 2015

Description: Conversion of garage into habitable space involving replacement of existing garage door with window. First floor side extension including new pitched roof and alterations to external elevation

Reference: 15/02330/HSE

Address: 104 Nether Street, London, N12 8EU

Decision: Approved subject to conditions

Decision Date: 7 August 2015

Description: Creation of a new carriage driveway with associated alterations including provision of an additional vehicular access, new hardstanding, new front boundary wall with railings and 2no. sliding gates

Reference: 15/03041/192

Address: 104 Nether Street, London, N12 8EU

Decision: Lawful

Decision Date: 22 July 2015

Description: Replacement of existing render with brickwork

### 3. Proposal

The application seeks permission for the retention of existing front boundary wall with railings and the retention of existing fenestration (Retrospective). The piers (brickwork) have a maximum height of 1.7m and the railings a maximum high of 1.33m. The fenestration changes include replacement windows and front door.

### 4. Public Consultation

Consultation letters were sent to 5 neighbouring properties.

9 objections have been received, 1 from Finchley Society; 5 from neighbours in Nether Street and 3 from occupiers of properties located in different streets.

The concerns can be summarized as follows:

- Uncharacteristic developments and materials, with regards to surroundings;
- Appearance of the wall railings and front door;
- Disregarding of the original planning permission and submitted drawings;
- Permission for red bricks and red roof tiles;
- Ripping down of the magnolia tree on the site;
- Railings being safety hazard for pedestrians;
- Railings and front garden being harmful for street's wildlife along with appearance of the front garden;
- House re-built and extension, along with over development of the back-garden of the site;
- Addition of security cameras.

## 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 March 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 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 development as set out in Policy DM01 is to minimise the 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 development proposals should be based on an understanding of local characteristics and should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, paces and streets. It also states that development proposals should retain outdoor amenity space having regard to its character.

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)

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

The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semidetached 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.

The Residential Design Guidance also states that external finishes, materials and architectural features affect the appearance of the extension. It also states that the design, proportions and position of joinery details, windows and doors should reflect those of the original building to ensure the details of the new extension are sympathetically in-keeping and do not detract from the area's general character.

## 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 street scene and the wider locality.

## 5.3 Assessment of proposals

The new front boundary approved in application 15/02330/HSE had piers 1.65m high and a low wall 0.8m with railings above with total height of between 1.1m and 1.3m. The gates and railings were of a more simple design than those as built.

Properties along this part in Nether Street vary in terms of front boundary. Some houses have no walls, some have low brick walls or fences of an average of 0.50m high, some have walls of an average 1.50m high with low railings set above, and some houses have green boundaries.

The proposed front boundary wall and railings are not higher than those of other properties and officers consider that the differences to the approved scheme are not so substantial as to harmfully impact the character and appearance of this part of the street.

Previous applications at 106 Nether Street, that were refused and dismissed on appeal related to proposals with 1.5m high piers and walls and railings of between 1.5m to 1.8m in height, ie an overall height greater than the structures the subject of this current application.

In regards to replacement windows and doors, such changes are normally 'permitted development'. Although the style and colour of windows is different the overall proportions are similar to the original, therefore in compliance with the Residential Design Guidance.

## 5.4 Response to Public Consultation

All the objections relating to retention of existing front boundary wall and railings, as well as of replacement fenestration have been considered within the above report.

## 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 the proposed retention of existing front boundary walls with gates and railings, as well as the retention of existing front door and windows would not result in excessive harm to the appearance and character of the property or this part of the street. This application is therefore recommended for APPROVAL, subject to conditions.

