

Location **29 Christchurch Avenue London N12 0DG**

Reference: **16/4173/HSE**

Received: 24th June 2016

Accepted: 29th June 2016

Ward: Woodhouse

Expiry 24th August 2016

Applicant: Mrs Gaynor Bond

Proposal: Construction of single storey rear outbuilding for use as granny annexe
ancillary to the existing house

Recommendation: Approve subject to conditions

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

Site Location Plan; OT-EL01-PA Rev D; OT-EL02-PA Rev D; OT-PL00-PA Rev D;
OT-PL01-PA Rev E

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) hereby approved must be constructed from the materials detailed on plan OT-EL01-PA Rev D and retained as such.

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).

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 is located on the southern side of Christchurch Avenue in the Woodhouse ward.

The host street is residential in character but Christchurch Avenue joins Ballards Lane at the western end and this forms part of the Primary and Secondary Retail Frontage of the Finchley Church End Town Centre. The site is not located within a Conservation Area and has no individual designation.

The application property is a two-storey, semi-detached single family dwelling house which benefits from various extensions, detailed below.

2. Site History

Reference: 15/01663/192

Address: 29 Christchurch Avenue, London, N12 0DG

Decision: Lawful

Decision Date: 15 May 2015

Description: Single rear extension. Conversion of garage into habitable room, rear dormer and 1 no. rooflight to front to facilitate hip to gable loft conversion

Reference: 15/01727/PNH

Address: 29 Christchurch Avenue, London, N12 0DG

Decision: Prior Approval Not Required

Decision Date: 23 April 2015

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.3 metres and maximum height of 3.275 metres

3. Proposal

This application seeks consent for the construction of a single storey rear outbuilding for use as granny annexe ancillary to the existing house.

4. Public Consultation

5 consultation letters were sent to neighbouring properties.

6 responses have been received, comprising of 5 letters of objection and one comment.

The views of objectors can be summarised as follows;

- Too high
- Use for rental
- Detrimental impact on wildlife
- Precedent
- Two-storey structure unacceptable
- Overlooking
- Loss of privacy
- Noise and disturbance
- A tree has been cut down before the application

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, CS4, CS5, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM06, DM11, DM14.

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

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:

- The acceptability of the proposed extensions and alterations
- Whether harm would be caused to the character and appearance of the existing building and the street scene
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

This application seeks consent to erect a single storey outbuilding to the rear garden of the application property. There already exists a small garden shed at the rear of the application site, closer to the boundary with 27 Christchurch Avenue, which will be removed as part of the works. The proposed new outbuilding would measure 7.8m in width, 7.2m in depth, 2.25 in height to the eaves and 3.8m to the ridge of the pitched roof. Rooflight windows would be provided in the front, rear and side roof slope facing 31 Christchurch Avenue. All other fenestration would be provided on the front elevation facing the main application property and would comprise of two doors and five windows.

The outbuilding would be sited between three property boundaries; 27 and 31 Christchurch Avenue to either side of the application site, and 31 Woodberry Way to the rear. It should be noted that there exists an outbuildings in the rear garden of the neighbouring property at 27 Christchurch Avenue; this is of a similar size of the one proposed under this application also with pitched roof. There also exists a smaller shed building, similar to that existing on the applications site, at the rear of 31 Woodberry Way. From looking at aerial photos of the street it appears other outbuildings exist in neighbouring other gardens too. It is therefore considered that the proposed development would not appear out of character.

The outbuilding is proposed to be used ancillary to the main dwelling house as accommodation for the family's elderly ill uncle who lives far away, without any other family to support him. All meals will be prepared by the family in the main house and no cooking facilities will be provided within the proposed outbuilding.

It should be noted that in many cases the erection of an outbuilding would be a permitted development. However, in this case as this application shows the proposed outbuilding to be sited within 2m of the neighbouring boundary and be over 2.5m in height, it is necessary to apply for full planning permission.

It is not considered that the proposed development will give rise to any loss of amenity to neighbouring occupiers. The position of the outbuilding at the very rear of the application site is considered to be sited a sufficient distance away so as not to give rise to any potential overlooking or loss of privacy. As detailed above in many cases the erection of an outbuilding would be permitted development and therefore not require a full planning application.

5.4 Response to Public Consultation

The concerns raised are noted.

To prevent the outbuilding being used for rental a condition is suggested requiring the outbuilding to be in use as ancillary to the main dwelling house and not as a separate unit.

In regards to the concerns raised that the proposed development is too high is noted. Under permitted development a single family dwelling house can erect an outbuilding of larger dimensions without full planning permission. It is only as the proposed development is over 2.5m in height and within 2m of the property boundary that full planning permission is necessary.

It is not considered that proposed development will create a precedent for future outbuilding developments as other single family dwelling houses benefit from permitted development rights that would allow them to erect an outbuilding without full planning permission, under permitted development.

Concern has been raised that the proposed development offers an unacceptable two-storey structure. However, the proposed development is single storey with a pitched roof and rooflights in the roof to give additional light.

In regards to any overlooking or loss of privacy issues arising from the development it is considered that although windows are shown in the roof of the proposed development these will be at a height that prevents direct visibility into neighbouring gardens. Any other fenestration is limited to the elevation facing the main dwelling house. From conducting the site visit and standing at the rear of the garden in a similar position to the proposed development views into neighbouring gardens were obscured by the existing side projection of the main dwelling house on one side and the fence on the other, views of the neighbouring gardens was not possible. It is not considered that the proposed development would result in any unacceptable loss of privacy or overlooking.

It is not considered that the proposed development will result in unacceptable noise and disturbance. the outbuilding will be ancillary to the main house and will not be used as a self contained dwelling. Furthermore, As noted previously it is possible to erect a single storey outbuilding of greater size in the rear garden of a single family dwelling house without full planning permission under permitted development.

The concerns raised regarding a tree being cut down before the application is noted, however, there was no tree protection order issued on any trees at the application site and the Council has no control over what people do to unprotected trees in their own garden.

The concern raised that the proposed development will result in a detrimental impact on wildlife is disputed and attention is drawn to the previous comments regarding the possibility of erecting an out building without full planning permission.

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 support the Council in meeting its statutory equality responsibilities.

7. Conclusion

On balance the proposals are considered to be acceptable. It is considered that the proposed development would have an acceptable impact on the character and

appearance of the application site, the street scene and the adjoining area. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is recommended for approval.

