

**Location**                            **Land Rear Of 16 Nethercourt Avenue London N3 1PT**

**Reference:**                        **16/4939/FUL**                            Received: 26th July 2016  
Accepted: 26th July 2016

Ward:                                    West Finchley                            Expiry 20th September 2016

Applicant:                            Mr O Chen

Proposal:                              Erection of a single storey outbuilding

**Recommendation:** Approve subject to conditions

- 1    The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, drg.no.NETH-01 RevB and drg.no.NETH-02 RevB.

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 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 for habitable purposes.

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 application relates to a single storey outbuilding located on land Rear of 16 Nethercourt Avenue. Nethercourt Avenue is predominantly residential in character.

No. 16 benefits from a piece of land to the rear of the property which can be accessed through a path way adjacent to no.16 and no.14. Other properties along this road also benefit from the same arrangement with pieces of land to the rear. There are a number of outbuildings in this area around the access road to either side.

The site does not fall within a designated conservation area.

### **2. Site History**

Reference: 15/05515/HSE

Address: 16 Nethercourt Avenue, London, N3 1PT

Decision: Withdrawn

Decision Date: 27 October 2015

Description: Part single, part two storey rear extension. New front porch. Roof extension involving rear and side dormer window with 3no rooflights to front and new gable window to side elevation to facilitate a loft conversion

Reference: 15/07039/192

Address: 16 Nethercourt Avenue, London, N3 1PT

Decision: Lawful

Decision Date: 15 December 2015

Description: Rear dormer, 3 no. rooflights and hip to gable roof extension to facilitate a loft conversion

Reference: 15/07833/PNH

Address: 16 Nethercourt Avenue, London, N3 1PT

Decision: Prior Approval Required and Approved

Decision Date: 29 January 2016

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: 16/1620/HSE

Address: 16 Nethercourt Avenue, London, N3 1PT

Decision: Approved subject to conditions

Decision Date: 18 May 2016

Description: Addition of 1 new window on the side elevation to the existing building at ground floor level and the bricking up of the existing window at first floor level

### **3. Proposal**

The application has been amended and has been reduced by half of what was originally intended. The new proposed outbuilding will have a flat roof with a maximum height of 2.5metres, depth of 6metres and a width of 5metres. It will be set back from the front boundary wall by approximately 8metres.

### **4. Public Consultation**

Consultation letters were sent to 57 neighbouring properties.

25 letters of objection have been received.

Objections have been summarised below

- Change of use
- Overdevelopment
- Oversized /size and scale
- Not keeping with the character / local residential features
- Illusion of being an outbuilding / lack of clarity of use
- Impact on the residential amenity
- Loss of privacy and overlooking
- Restrictive covenants
- Impact on local wildlife
- Adjacent to a protected tree
- Parking of cars will lead to theft , fire vandalism, noise and light pollution
- Increase in vehicular movement /lack of room to manoeuvre vehicles
- Inaccessibility to emergency vehicles
- Pathway unsafe /restricted access for cars and pedestrians
- Garden grabbing
- No proper drainage

## **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**

Impact on the character and appearance of the existing building, the street scene and the wider locality

The outbuilding is proposed on a site that is located to the rear of a residential property at 16 Nethercourt Avenue. The proposed outbuilding will have a maximum height of 2.5metres, 5metres wide and 6metres deep. It is noted that the outbuilding on the right adjacent to the proposed outbuilding is much higher and occupies more volume than the proposed extension.

The pieces of land to the rear of the dwelling houses are characterised by similar outbuildings of varying sizes and as such it is considered that the siting and scale of the proposed outbuilding are such that it would not be detrimental to the character of the site and its immediate vicinity.

#### Impact on the living conditions of neighbouring residents

The proposals would comply with the aforementioned policies and Council Residential Design Guidance and would be a proportionate addition to the dwellinghouse. Subject to a condition, requiring the outbuilding to remain incidental to the main house, the use of the building for storage would not give rise to unacceptable levels of noise or disturbance to nearby residents or be out of character with the area. Considering the siting of the outbuilding in relation to the residential dwellings within its vicinity, it is considered that it would have an acceptable impact on the residential amenity of neighbouring occupiers in terms of privacy and overlooking.

Furthermore, the outbuilding would not harm neighbouring residents through loss of light or outlook given the distance from neighbouring gardens and windows.

The proposals would comply with the aforementioned policies and the Barnet Residential Design Guidance SPD and would be a proportionate addition to the dwelling house. It would have an acceptable impact on the character and appearance of the streetscene, site property, general locality and the residential amenity of neighbouring occupiers or the future occupiers.

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

- Change of use - *The use as an incidental outbuilding would be appropriate*
- Overdevelopment *The amount and use of the development is considered acceptable*
- Oversized /size and scale - *The size of the outbuilding has been reduced following discussion with the applicant*
- Not keeping with the character / local residential features - *There are a number of similar outbuildings in the vicinity*
- Illusion of being an outbuilding / lack of clarity of use *The applicant has clarified that the use of the building will be for domestic storage which would be an acceptable use. It cannot be assumed that the applicant would use it for something different for which planning permission would be required.*
- Impact on the residential amenity - *use of the outbuilding as storage would not harm neighbouring amenity*
- Loss of privacy and overlooking - *The access already exists and the use of this would result in materially greater overlooking given that the use would be incidental to the main dwelling*
  
- Restrictive covenants - *Restrictive covenants are not a material planning consideration*
- No proper drainage - *The construction of an outbuilding in this location outside of a flood zone would not materially impact local drainage*

- Parking of cars will lead to theft , fire vandalism, noise and light pollution - *It is not considered that the development would materially increase the risk of crime in the area*
- Increase in vehicular movement /lack of room to manoeuvre vehicles -*The access exists and is already used for these purposes.*
- Inaccessibility to emergency vehicles - *There is no requirement for emergency access to an outbuilding*
- Pathway unsafe /restricted access for cars and pedestrians - *The access is existing and planning permission could not be reasonably refused*
  
- Impact on local wildlife - *Further to a visit to the site the site is of low ecological value and it is highly unlikely that there are protected species on the site*
- Adjacent to a protected tree - *There are no protected trees in the immediate vicinity of the proposed outbuilding. Considering the present condition of the land and lack of vegetation, it is not considered that the erection of an outbuilding would have a detrimental impact on the local wildlife.*
  
- Garden grabbing - *The proposals are for a storage outbuilding and are considered as such*

## **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.

