

- 4 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

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).

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 site consists of a large detached two storey building with a crown roof. The building contains nine self-contained residential flats with amenity space provided at the rear of the building. Four of the flats have one bedroom, four have two bedrooms and the final flat has three bedrooms. Parking spaces are provided at the front of the site and in the underground car park.

The property is within the West Hendon ward. The area is characterised by residential development.

There are no special planning constraints on the site. The property is not listed and does not fall within a designated conservation area.

A parking court with garages is located to the south of the site. To the north (Neeld Crescent), west (Audley Rd/Station Rd) and south west (Vivian Avenue) of the site are residential properties all of which contain large rear outbuildings.

Planning permission was recently granted at appeal (ref: APP/N5090/W/16/3142284) for a single storey side extension to provide additional accommodation for Flat 3.

2. Site History

Reference: 15/06394/FUL

Address: Simon Court, 4 Neeld Crescent, London, NW4 3RR

Decision: Refused

Decision Date: 17 December 2015

Description: Single storey side extension

The extension was refused by committee on the grounds that the extension would be a disproportionate addition which is not subordinate to the property and would be harmful to the character and appearance of the host property. However on appeal the extension was allowed. The appeal decision considered the extension was a modest and subordinate addition compared to the substantial size of the host building.

Reference: H/04169/11

Address: Simon Court, 4 Neeld Crescent, London, NW4 3RR

Decision: Application Invalid On Receipt

Decision Date: No Decision Made.

Description: Retention of a 3-storey building with 9 no. self-contained flats., Provision of 9 no. parking spaces in the basement and a lift

Reference: H/04925/13

Address: Flat 1, Simon Court, 4 Neeld Crescent, London NW4 3RR

Decision: Approved

Decision Date: 19 November 2013

Description: Submission of details pursuant to condition 4 (levels), condition 6 (materials), condition 7 (means of enclosure), condition 8 (refuse) and condition 11 (landscaping) of planning permission W12943D/07 dated 24/09/2007.

Reference: W12942D/07

Address: 2-4 Neeld Crescent, London, NW4 3RR

Decision: Approved subject to conditions

Decision Date: 29 August 2007

Description: Demolition of existing houses and erection of a two storey building with rooms in the roofspace to provide 9 no self-contained flats with basement parking and cycle storage.

Reference: W12942E/08

Address: 2-4 Neeld Crescent, London, NW4 3RR

Decision: Finally Disposed of

Decision Date:

Description: Submission of details of condition 6 (materials) pursuant to planning application W14942D/07 dated 20/09/2007.

3. Proposal

The applicant seeks permission to erect a single storey outbuilding in the communal garden at the rear of the property.

The outbuilding would have a crown roof with a maximum height of 3 metres with an eaves height of 2.4 metres. The depth of the outbuilding would be 6.1 metres and would have a maximum width of 9.7 metres along the front elevation.

The outbuilding would be located 2.3 metres from the boundary with 6 Neeld Crescent, and 2.3 to 2.9 metres from the rear boundary shared with 150- 144 Audley Road. The proposed outbuilding would be located at a distance of over 9 metres from the rear elevation of the main building.

The outbuilding is proposed to be divided into 4 rooms to be used as storage for the existing flats.

The remaining rear garden is over 265 square metres.

4. Public Consultation

Consultation letters were sent to 39 neighbouring properties.

22 responses have been received, comprising 9 letters of objection and 13 letters of support.

The objections received can be summarised as follows:

- A previously approved side extension has not been shown on the plans to demonstrate the total impact of buildings on the site
- Height exceeds boundary fencing
- Not set against boundaries so is visually prominent for neighbouring properties
- Other outbuildings in the area have been built without permission. This has a cumulative impact
- Outbuilding interrupts wildlife corridor
- Footprint of development on site is too large and the site is overdeveloped
- Residents park on the road or forecourt
- Light pollution from windows
- Noise nuisance
- Existing brick wall is very high
- Existing basement could be used for storage instead

- Cars always being repaired at the basement entrance
- New boundary fence on north boundary is placed further into garden so width of garden is reduced
- Concern this will be used for an office or flat in the future
- No landscaping completed as condition of consent for flats
- Outbuilding is noticeable and causes loss of outlook
- Loss of permeable garden surface

The letters of support can be summarised as follows:

- The outbuilding will provide much needed storage space for residents
- Other properties in the area have similar outbuildings
- Will not affect outlook or amenity of neighbouring occupiers
- The remaining garden provides sufficient amenity space for residents

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 October 2016)

- 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 October 2016)

- 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.

5.4 Assessment of proposals

Impact on character and appearance of the surrounding area:

Planning permission is sought for the erection of a rear garden outbuilding to be used as storage for the residents of Simon Court. The floor plan indicates the proposed use, siting and layout.

The site is not within a conservation area and is not a listed building. The application site is also not within the green belt. Furthermore, it is noted that there are outbuildings in the rear garden areas of properties along Neeld Crescent, Audley Road/Station Road and

Vivian Avenue. The neighbouring property 146 Audley Road was given permission for an outbuilding at 3.3 metres in height in 2003 (W11854B/03). This outbuilding adjoins the rear boundary of the applicant site. 90 Vivian Avenue also has an outbuilding erected along the boundary with the applicant site. A Lawful Development Certificate was issued for this outbuilding under reference W11428B/03. It is noted that an outbuilding in the rear garden of 10 Neeld Crescent was refused retrospective planning permission under reference H/03343/13 as it was considered larger than neighbouring outbuildings and would create a loss of amenity space. However a subsequent enforcement notice was quashed at appeal (APP/NS090/C/13/2210124) on the basis that the outbuilding actually fell within Permitted Development.

The proposed outbuilding is within the size of an outbuilding which could be erected under Permitted Development and is considered to be in scale with other outbuildings in the area. The addition of the outbuilding of this size would therefore not appear out of character with the area.

The outbuilding would be sited a sufficient distance from the rear elevation of the main property and surrounding boundaries to retain a degree of openness. Given the distance of separation between the proposed outbuilding and the dwelling house and the relative sizes between both buildings, it is considered that the proposed development would not appear as an overly large building in this context. The proposed single storey outbuilding would appear as a subordinate and proportionate structure. A substantial garden area would remain of over 265sq.m.

Impact on amenity of neighbouring occupiers:

The outbuilding will be located in the rear garden of the property 2 metres away the boundaries with neighbouring properties. The outbuilding will extend 9.7 metres adjacent to the boundary shared with properties 150- 146 Audley Road. The rear walls of the neighbouring properties 148 and 146 are approximately 20 metres from the boundary given the large rear gardens. It is noted that 150 Audley Road has been extended up to the boundary with the applicant property and the outbuilding will be closest to this dwelling. However there are no rear windows proposed facing 150 Audley Road and the separation of 2 metres is considered to mitigate any effects to this property.

The side of the outbuilding will face toward Vivian Avenue. The outbuilding will be located an estimated 30 metres from the rear elevation of the properties on Vivian Avenue. The separation of the outbuilding from the neighbouring property at 6 Neeld Crescent is an estimated 16 metres. Given the outbuilding will be located at least 2 metres from the boundaries of any neighbouring properties, and considering the outbuilding is located over 10 metres from the rear elevations of all surrounding dwellings except for 150Audley Road, it is not expected to have an impact on neighbouring properties in terms of a loss of sunlight, over-shadowing or loss of privacy.

The outbuilding is within the size standards for outbuildings built under Permitted Development and is therefore not considered to be a substantially large outbuilding and would be in scale with others in the vicinity. The proposed windows in the side elevation of the outbuildings will have a maximum height of 2.2 metres. Given the setback from windows in the neighbouring property and given the windows are proposed at a height just exceeding a standard boundary fence height, the windows are not likely to give rise to any loss of privacy for neighbouring occupiers.

The application form and accompanying documentation confirms that the outbuilding would be used by the residents with the main building at Simon Court (which contains 9 existing flats). It is not considered the activity resulting from the ancillary use proposed would result in an unacceptable level of noise or disturbance to the neighbouring properties.

5.5 Response to Public Consultation

A previously approved side extension has not been shown on the plans to demonstrate the total impact of buildings on the site

- o The application has been considered on its planning merits. The prior planning permission for the side extension is acknowledged but given its position on the site, it does not affect the proposal for the outbuilding.

Height exceeds boundary fencing so will be visible

- o The visual impact of the outbuilding has been assessed and is not considered harmful to the character of the area or amenity of neighbouring properties.

Not set against boundaries so is visually prominent for neighbouring properties

- o The visual impact has been assessed and is not considered harmful to the character of the area or amenity of neighbouring residents.

Other outbuildings in the area have been built without permission. This has a cumulative impact

- o The presence of the outbuildings contributes to the character of the area. While outbuilding erected without planning permission should not be a material consideration for the character of the area, there are lawful examples of outbuildings in the immediate vicinity including 90 Vivian, 146 Audley Road, 6-8 and 10 Neeld Crescent and 112 Station Road.

Outbuilding interrupts wildlife corridor

- o It is considered the proposed development maintains sufficient rear amenity space. No significant vegetation is being proposed for removal for this development.
- o The property is not a designated Wildlife or ecology corridor such as a Site of Importance for Nature Conservation.

Footprint of development on site is too large and the site is overdeveloped

- o The footprint of development is not considered to be out of scale with the footprint of developments in the area.
- o The outbuilding would be sited a sufficient distance from the rear elevation of the main property and surrounding boundaries to retain a degree of openness.

Residents park on the road or forecourt

- o This is not a relevant consideration of the proposed application.

Light pollution from windows

- o The outbuilding is to be used for storage and lights are not expected to be on during night time hours. Furthermore the windows are only 2.2 metres in height and a boundary fence of 2 metres would mostly obscure the windows.

Noise nuisance

o The outbuilding is to be used for storage for existing residents. Considering the proposed use of the outbuilding it is not considered that the development would result in a harmful level of noise disturbance to neighbouring occupiers

Existing brick wall is very high

o The existing brick wall is not the subject of this application.

Existing basement could be used for storage instead

o The outbuilding is assessed on its own merits.

Cars always being repaired at the basement entrance

o This is not a relevant consideration in determining the development of an outbuilding.

New boundary fence on north boundary is placed further into garden so width of garden is reduced

o The presence of the fence inside of the boundary does not alter the overall footprint of development within the curtilage of the property.

Concern this will be used for an office or flat in the future

o Several objectors have raised concerns that the outbuilding will be used as self-contained flat or office in the future. The application has been submitted on the basis that the outbuilding will accommodate storage for residents only which is considered ancillary to the main building, and the application has been assessed accordingly. A condition has been attached to this recommendation to secure this.

o It is not considered reasonable to refuse the application on the potential use of the outbuilding in the future. Any change of use or breach of condition would be subject to the separate enforcement investigations.

No landscaping completed as condition of consent for flats

o The compliance of conditions under a previous planning application is an enforcement matter.

Outbuilding is noticeable and causes loss of outlook

o The outbuilding is less than 3 metres high

o DCLG guidance states planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property could not be material consideration. Loss of views could also not be a material consideration.

o In the interest of clarity, the visual and residential amenities of neighbouring occupiers have been carefully considered in this application.

Loss of permeable garden surface

o There is still a reasonable amount of permeable garden remaining.

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.

