

Location	Ground Floor Flat 15 Redbourne Avenue London N3 2BP				
Reference:	17/4160/FUL	Received: 28th June 2017	Accepted: 29th June 2017		
Ward:	West Finchley	Expiry 24th August 2017			
Applicant:	Mr Virji Patel				
Proposal:	Erection of rear outbuilding				

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: SV508/P1/01, SV508/P1/02, SV508/P1/03.

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 outbuilding shall be as those mentioned on the approved drawings and submitted planning application form

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).

- 5 The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 6 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in either side elevation or the rear elevation facing 13 and 17 Redbourne Avenue and Hervey Court respectively.

Reason: To safeguard the privacy and 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 site property is a ground floor flat at no15 Redbourne Avenue which has been divided into flats. The site is located on the south side of Redbourne Avenue which is a predominantly residential area, and the rear garden which measures 30 metres in depth backs onto Hervey Close.

The property is not listed and does not fall within a designated conservation area.

2. Site History

Reference: 17/2320/FUL

Address: 15 Redbourne Avenue, London, N3 2BP

Decision: Approved subject to conditions

Decision date: 27 June 2017

Description: Single storey rear extension

3. Proposal

The applicant proposes to erect an outbuilding at the rear of the garden. The proposed building will have a flat roof with a maximum height of 2.5metres, depth of 4.4metres and a width of 4.4metres.

The proposed outbuilding will be set away from the boundary wall of no. 13 by 0.4 metres, 5.4 metres from the boundary with no. 17 and 0.5 metres from the rear boundary with no. 20 Hervey Close.

4. Public Consultation

Consultation letters were sent to 5 neighbouring properties.

16 objections were received during consultation period.

The objections are as follows:

- Concerns that the outbuilding will be used as a separate dwelling.
- Outbuilding will set precedent for large outbuildings in gardens.
- Rendered finish will mean that the outbuilding will be out of character.
- Over intensive use of the space.
- Trees and hedges on land adjacent to proposed development are important for the local landscape character. Mature trees have been felled.
- Refer to other examples of applications in respect of otheroutbuildings at Hervey Court (appeal decision) and 11 Dollis Park.
- Concerns over foul sewage being disposed of from the outbuilding
- Excessive size.
- Concern about the prospect of rainwater from a flat roof of 20 square metres being discharged in the proximity of neighbouring boundary.
- Loss of outlook.

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 Government's 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.

5.3 Assessment of proposals

Impact on Street scene, Existing Building and Character of the Area:

The proposed outbuilding situated at the rear of the garden would not be in view from Redbourne Avenue therefore having no effect on the character of the street scene. The size and height of the outbuilding is not considered excessive and would not dominate the character of the amenity space for no. 15 Redbourne Avenue. Furthermore the proposed materials of the outbuilding would be sympathetic to materials used on surrounding properties, therefore not detracting from the character of the locality.

Impact on Neighbouring Amenity:

The proposed outbuilding will be set away from the boundary wall of no. 13 by 0.4 metres, 5.4 metres from the boundary with no. 17 and 0.5 metres from the rear boundary with no. 20 Hervey Close. There will be a distance of some 14 metres between the proposed building and the rear of no. 20 Hervey Close and some 26m from the rear wall of neighbouring properties in Redbourne Avenue

Despite the small separation between the outbuilding and boundaries of the curtilage of the dwellinghouse it is noted that the subordinate height of the outbuilding would have an acceptable impact in the neighbouring amenities. Furthermore, the siting, size and distance of the outbuilding from neighbouring properties would mean that the outbuilding would not unduly affect the outlook from adjoining property's habitable rooms and would not create unduly over-shadowing.

Additionally, the remaining garden area would measure at around 120m² which would provide an adequate amount of amenity space for existing and future occupiers.

For the above reasons, it is considered that the proposals will not have a detrimental impact on the residential amenities of neighbouring occupiers.

5.4 Response to Public Consultation

-Concerns that the outbuilding will be used as a separate dwelling:

A condition will be attached to the approval of the application to ensure the use of the outbuilding as incidental to the ground floor flat.

-Outbuilding will set precedent for large outbuildings in gardens:

Each case is assessed on its own merits.

-Rendered finish will mean that the outbuilding will be out of character:

Neighbouring properties to 15 Redbourne Avenue feature render finish on rear outriggers making the rendered finish to the proposed outbuilding a sympathetic feature to the character of the area.

-Over intensive use of the space:

The size of the outbuilding will allow for sufficient amenity space to remain.

-Trees and hedges on land adjacent to proposed development are important for the local landscape character. Work being started due to the felling of trees:

-The felling of trees within the land adjacent to the application site does not constitute the commencement of development. The trees within the site are not protected by a Tree Preservation Order and therefore the removal of these trees does not require permission from the LPA.

-Concerns over foul sewage being disposed of from the outbuilding:

The agent has confirmed that there will be no disposal of foul sewage from the outbuilding and the application form has been amended accordingly

-Loss of outlook and excessive size:

With the proposed outbuilding being situated at the rear of the garden some 21 metres deep and measuring 2.5 metres in height it would mean that it would not be overbearing in terms of outlook from adjoining property's habitable rooms and would not unduly over-shadow neighbouring properties.

-Concerned about the prospect of rainwater from a flat roof of 20 square metres being discharged at or in the proximity of the boundary of my property:

Issues in relation to drainage are not a planning consideration.

-Reference to Hervey Court and no. 11 Dollis Park Road:

The appeal decision relating to Hervey Court was in regards to an application for the construction of a single storey house on land rear of Hervey Court whereas the application at 15 Redbourne Avenue seeks permission for a rear outbuilding incidental to the dwelling. Furthermore the application at 11 Dollis Park Road was refused at committee following an officer's recommendation for approval.

6. Equality and Diversity Issues

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our 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, this proposal complies with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.

Appendix 1 – Site Location Plan

