

Location	504 Finchley Road London NW11 8DE	
Reference:	17/4842/FUL	Received: 26th July 2017 Accepted: 4th September 2017
Ward:	Childs Hill	Expiry 30th October 2017
Applicant:	Chase London Ltd	
Proposal:	Erection of outbuilding to rear for use as gym/playroom	

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:

Location Plan and Block Plan Drawing No 892/FR/S1
Existing Plans Drawing No 892/FR/01
Proposed Plans and Elevations Drawing No 892/FR/02
Received 26 July 2017

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) 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).

- 5 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.

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

Councillor Shimon Ryde has requested that should the application be recommended for approval, the application should be referred to the committee considering the proposal is an amended version of an application previously decided by Committee.

1. Site Description

The application site is located on the eastern side of Finchley Road, within the ward of Childs Hill and consists of a two-storey, semi-detached property comprising of 4no. self-contained units. The property was converted originally from a single family dwelling into 6no flats without planning permission but became lawful in 2011 due to the passage of time. The number of units has then reduced from 6no units to 4no in order to improve the quality of the internal units. The ground floor unit has access to a separate private amenity to the rear, while the remaining units have access a communal area at the rear.

The property benefits from front, side and rear dormers and a rear extension. There has been enforcement history at the property concerned with the development of the dormers not in accordance with approved plans and the development of a rear terrace.

The street is characterised by similar two-storey properties on the eastern side of Finchley Road, whereas there are larger 3-4 storey new flatted development on the western side of the road.

2. Site History

Reference: 17/2226/FUL

Address: 504 Finchley Road, London, NW11 8DE

Decision: Refused

Decision Date: 27 July 2017

Description: Erection of outbuilding to rear for use as gym/playroom

Reason for refusal: The proposed outbuilding by reason of its size, siting and design would be detrimental to the character and appearance of the general locality, and would harm neighbouring visual and residential amenity being contrary to policy DM01 of the Adopted Barnet Development Management Policies and policy CS5 of the Barnet Core Strategy.

Reference: 16/2092/FUL

Address: 504 Finchley Road, London, NW11 8DE

Decision: Approved subject to conditions

Decision Date: 10 August 2016

Description: Conversion of property from 6 self-contained units to 4 self-contained units. Single storey rear extension and associated parking spaces

Reference: F/04678/12

Address: 504 Finchley Road, London, NW11 8DE

Decision: Approved subject to conditions

Decision Date: 14 May 2013

Description: Conversion of property from 6 self-contained units to 4 self-contained units. Extensions to roof including front, side and rear dormer window to facilitate a loft conversion.

Reference: F/03032/11

Address: 504 Finchley Road, London, NW11 8DE
Decision: Lawful
Decision Date: 28 September 2011
Description: Use of property as 6 self-contained flats.

3. Proposal

The application seeks consent to construct an outbuilding on land at the rear of the property. The outbuilding would measure 5m (depth) x 5.5m (length) x 2.5m (height). The building would be constructed from brickwork to match existing.

4. Public Consultation

Consultation letters were sent to 13 neighbouring properties.
4 responses have been received, comprising 4 letters of objection.

The objections received can be summarised as follows:

- Proposal is the same as the proposal which was refused at Committee.
- Overdevelopment of the site
- Harm the impact of the character of the property and neighbouring properties
- Use as an additional dwelling
- Set an unwelcome precedent in terms of over-intensification of the site
- Enforcement action should be taken on the property for the oversized dormers, unauthorised roof terrace, unauthorised fenestration and unauthorised internal layouts.
- Noise impacts
- Loss of outlook
- Loss of amenity

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.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

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

Policy DM01 expects that development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The proposed outbuilding would be single storey in height and constructed with materials to match the site's context. Planning Officers consider that the design and scale of the proposal would be in-keeping and would be viewed in context with the boundary enclosures and existing outbuildings in the area. A previous proposal was refused at Committee and this proposal has reduced the length of the outbuilding by 1 metre as a response. It is not unusual for a building converted to flats to have access to an outbuilding providing it is of incidental size and scale to the main building.

It is proposed to use the outbuilding as a gym/playroom. A condition will be attached to ensure that the proposed building remains incidental to the main residential use of the building and not as a habitable room or for any other use.

In terms of outlook, the proposal is not considered to represent any material differences than if future occupiers stood in this area. Officers do not consider that given the size of the proposal and its proposed incidental use, there would be additional noise/disturbance created which would cause significant harm to the amenities of neighbouring occupiers. Therefore loss of privacy is not considered to be a significant issue.

The proposed side access is to be used by the occupants of the above-ground floors to access the amenity area at the rear. Planning Officers do not consider that this aspect of the proposal would raise any significant issues in terms of visual impact or residential amenity.

The applicant has confirmed that the side access is only for sole use of the occupants of no.504.

5.4 Response to Public Consultation

Same as previously refused scheme - The proposal has been reduced in length since the previous refusal. The outbuilding is considered to be of a more appropriate scale and footprint.

Overdevelopment - The proposed building has been reduced in length and is considered to be of a more appropriate scale and footprint.

Harm the impact of the character of the property and neighbouring properties - The proposed building is a relatively small outbuilding located at the rear of the site, in keeping in terms of height and external materials. As such it is not considered to be out of keeping with the character or create any adverse visual impacts.

Use as additional dwelling - The proposal seeks use of the building as a gym/playroom and that is the use which is being assessed by the Planning Authority. A planning condition will be attached to any approved consent which ensures that the building can only be used as incidental to the main building. The Local Planning Authority cannot assume that such a use will take place where it is not shown as this would be unreasonable.

Set an unwelcome precedent in terms of over-intensification of the site - Planning Officers do not consider that the proposal represents or creates an over-intensification of the site.

Enforcement action to be taken - The railing of the rear roof terrace has been removed and access from the rear door restricted by a flush railing following enforcement action. The dormers have been investigated and are considered acceptable in size. Any further concerns regarding the development not in accordance with approved plans needs to be alerted to planning enforcement for action.

Noise impacts - The proposal is for an incidental building/use, associated with the residential use of the main building and is not considered to result in any adverse impacts in terms of noise.

Loss of outlook - The existing area could be used as a garden where occupiers could carry out a number of activities. The introduction of a building is not considered to result in any differing impacts than if it wasn't there.

Loss of amenity - The existing area could be used as a garden where occupiers could carry out a number of activities. The introduction of a building is not considered to result in any differing impacts than if it wasn't there.

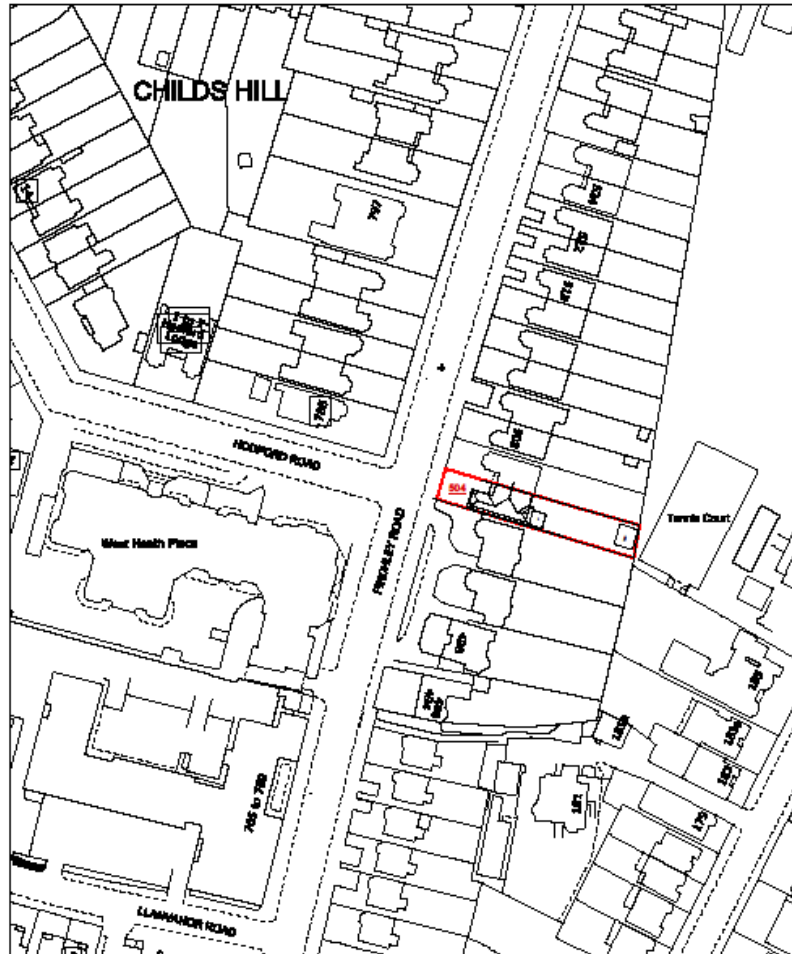
6. Equality and Diversity Issues

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.

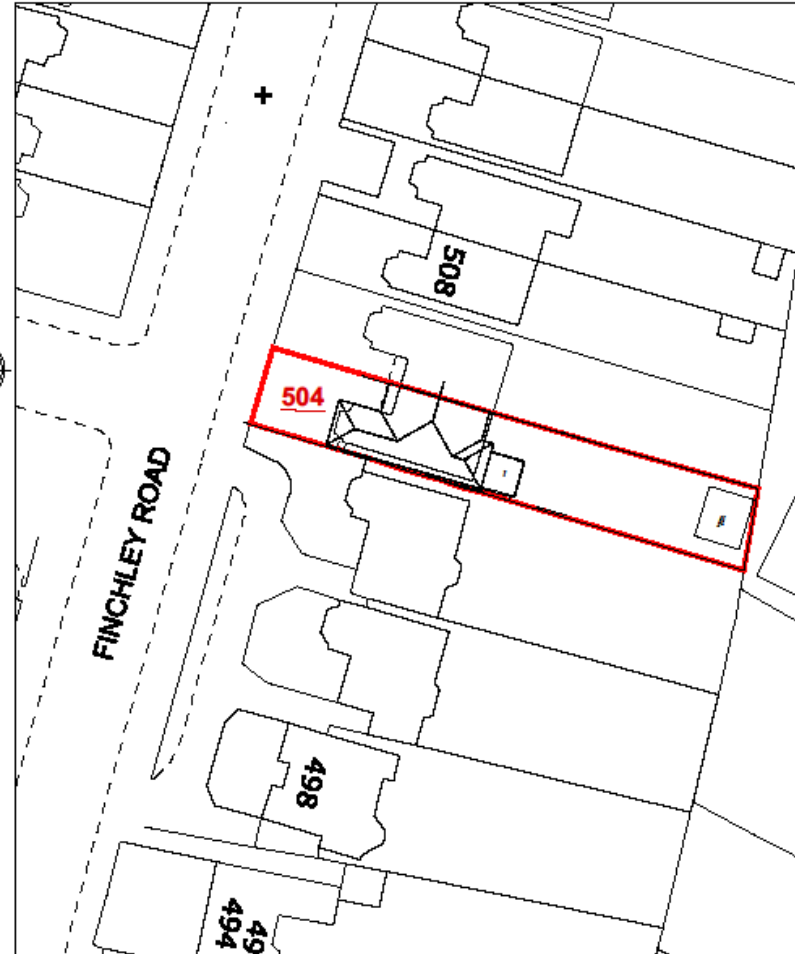
7. Conclusion

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.



LOCATION PLAN 1:1250



Block PLAN 1:500

Rev.	Description	Date
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Client	504 Finchley Road, London, NW11 8DR.	Scale	1:1250 & 1:500	Date	July 2017	H Soleimani 92 The Vale London, NW11 8SW Tel: 020 7870 0878 Mobile: 07801 445580 Email: h768@btinternet.com
Scheme	Outbuilding	Drawn by:	HS	Rev.		
Title	Location & Block Plans	Checked by:		Approved by:		
		Drawing No.	802/TR/S1			

