

**Location**                                **Courtlands 24 Northumberland Road Barnet EN5 1ED**

**Reference:**                            **17/5974/FUL**                                Received: 21st September 2017  
Accepted: 28th September 2017

Ward:                                        Oakleigh                                        Expiry 23rd November 2017

Applicant:                                Byron Fundira

Proposal:                                 Erection of single storey 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:

- Drawing No. 24NOR/281/01; dated August 2017
- Drawing No. 24NOR/281/02; dated August 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).

- 4 The use of the outbuilding hereby permitted shall not be used before 8am or after 7pm on weekdays, or before 9am or after 7pm on Weekends and Bank and Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

- 5 The level of noise emitted from the use of the gym within the outbuilding hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property. If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2011.

#### **Informative(s):**

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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 and Background**

The application site contains a semi-detached dwellinghouse that is used as a special care home (Class C2).

The Council's records show that the building has been used as a care home since 1966; specifically being an old age care home. It is unknown at what point the home became one for special care; however, this is still within the same class use and therefore a legitimate change.

The site is not within a conservation area (designated as Article 2(3) land in The Town and Country Planning (General Permitted Development)(England) Order 2015 as amended) and is not within an area covered by an Article 4 direction.

The site does not benefit from permitted development rights, as it is not used as a C3 Residential Use.

### **2. Site History**

Reference: N00864  
Address: 24 Northumberland Road  
Decision: Approved subject to conditions  
Decision Date: 14 December 1966  
Description: Use as old people's home.

Reference: N00864A  
Address: 24 Northumberland Road  
Decision: Approved subject to conditions  
Decision Date: 21 January 1970  
Description: Use as Old Persons Home for seven persons.

Reference: N00864C  
Address: 24 Northumberland Road  
Decision: Approved subject to conditions  
Decision Date: 9 May 1973  
Description: Use for Old People's Home

Reference: N00864E  
Address: 24 Northumberland Road  
Decision: Approved subject to conditions  
Decision Date: 3 May 1978  
Description: Continued use as old people's home.

Reference: N00864F  
Address: 24 Northumberland Road  
Decision: Approved subject to conditions  
Decision Date:  
Description: Continued use as old people's home

### **3. Proposal**

The proposal seeks to construct a single storey out building in the rear garden of Courtlands, 24 Northumberland Road. The out building will be located on the southern boundary of the host site, with a length of 10 metres, a depth of 4 metres and a will have a flat roof with a maximum height of 2.5 metres above natural ground at the boundary.

The outbuilding is to be used as an office and gym space associated with the care home that operates within the main building.

#### **4. Public Consultation**

Consultation letters were sent to 25 neighbouring properties.

6 responses have been received within 1 letter of objection. Furthermore, the application has been called in by Councillor Stephen Sowerby.

The objections received can be summarised as follows:

- The location of a potentially noisy and commercial gym on the boundary shared with smaller residential properties, where there will be only 7 metres of separation from the closest adjoining dwellinghouse and the proposed outbuilding.
- The facility could be accommodated in a sound-proofed garage or an outbuilding in the centre of the extensive grounds where it might cause less disturbance to neighbours.
- Concerned about the noise impact of this activity; not aware of sound proofing requirements and are concerned that windows and doors will be left open particularly in summer, resulting in noise emanating from the building towards adjoining properties.
- Setting controls on the noise levels and times of use could be hard to enforce.
- A commercial and permanent outbuilding will be oppressive, overbearing and will result in an unacceptable sense of enclosure on adjoining properties.
- The proposal pays no regard to the existence of the adjoining garden/amenity spaces and homes in Farnham Close.

#### **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, DM04

The Council's approach to outbuildings 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.

Policy DM04 states the Council's approach to environmental considerations for new developments. This includes ensuring that where an activity may generate unacceptable levels of noise, measures be put in place to mitigate the harm that the activity may have on the surrounding noise-sensitive activities.

### 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.

The guidance states that, in general, rear garden walls and fences should not exceed 2 metres to protect views and daylight. The same principles apply to the design of back garden buildings as to rear extensions:

- they should not unduly over-shadow neighbouring properties
- they should not be too large or significantly reduce the size of a garden so as to become out of character with the area
- they should not unduly affect outlook from an adjoining property's habitable rooms or principal garden areas
- their design and materials should be in harmony with the surrounding area.

Proposals should consider location of garden buildings such as sheds and greenhouses so that they minimise the impact on neighbouring properties. Garden buildings should be located to the rear of properties. The building materials used should respect the existing buildings and the overall character of the area. Garden buildings should minimise any impact on trees.

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**

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.

### Residential Amenity

Policy DM01 of the Development Management Policies (Adopted) 2012 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.

The proposed outbuilding is residential in scale; with a maximum height of 2.5 metres the structure will sit level with the boundary fence to the south due to the difference in levels in the property that is demonstrated by the existing raised planter along the southern boundary.

Properties at 22 and 26 Northumberland Road have a similar site layout and length to the host site, and the dwellinghouses on these properties will be removed from the proposed outbuilding and associated facilities by at least 30 metres. The adjoining garden spaces within these properties are located at a similar level to the ground level of the host site and therefore will experience the actual height of 2.5 metres; however, in using the residential design guidance SPD as a guide as an acceptable level of building development, the proposed outbuilding is considered to be within the bounds of what is considered to be generally acceptable for an outbuilding.

The properties to the south of the subject site, being 8, 9 and 10 Farnham Close, are located at a ground level that is level with the existing raised planter on the host site, and therefore approximately 0.5 metres above the lower ground level of the site on which the outbuilding will be constructed. For this reason, although the outbuilding will occupy the majority of the southern boundary of the host site, the height of this being only 2.5 metres, it is unlikely to project above the height of the existing boundary fence.

Although the matter of the scale of the building is considered to be acceptable through an assessment against the residential design guidance SPD, as this document is directed at buildings used for C3 residential purposes, the matter of the actual use of the proposed outbuilding and the appropriateness of this still remains.

The use of the outbuilding as an office and gym with an associated bathroom facility will be ancillary to the existing C2 use of the main building on the host site, stressing that the operation of the gym within this building will not be commercial in nature.

With regards to potential noise impact resulting from the gym, it is noted that the outbuilding only has windows and a door on the northern elevation facing the existing property. This design will reduce any potential adverse noise impact that could be experienced by the properties to the south as the noise will naturally emanate towards the main building on the host site. Furthermore, the scale of the use of the outbuilding is not considered to be of a level that would adversely impact the adjoining properties to the east and west; it is shown to have two treadmills and two cycle machines and therefore will have a maximum of 4 gym users at any one time, with at least one member of staff but likely two with one in the office and one supervising. In terms of noise impact, it is important to again emphasise that this is not a commercial activity and it is not expected that there would be loud music or machinery above what could be used in the outbuilding associated with a C3 use. Irrespective of this, it is considered a reasonable approach to restrict both the level of noise from the outbuilding and the hours of operation within the building to address any potential adverse impact associated with noise. Conditions to this effect have been recommended.

Based on the above assessment, the impact of the proposed outbuilding and its associated activity on the residential amenity of adjoining properties is considered to be acceptable.

### Character and Street Scene

The Council's SPD 'Residential Design Guidance' states that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant.

The proposed outbuilding, as previously discussed is residential in scale and has been designed in accordance with the guidelines of the Residential Design SPD. Furthermore, the property to the east has a rear outbuilding that is similar in scale to the proposed outbuilding. For these reasons, the outbuilding is considered to be within the character of the surrounding residential environment.

The outbuilding will not be visible from the streetscape and therefore will have no impact on the character and amenity of the public street scene.

For the above reasons the impact of the proposal on the character of the surrounding environment and the street scene will be minimal.

## **5.4 Response to Public Consultation**

In addition to the above planning analysis, the following comments are made in respect to the matters raised by objections received:

- The location of a potentially noisy and commercial gym on the boundary shared with smaller residential properties, where there will be only 7 metres of separation from the closest adjoining dwellinghouse and the proposed outbuilding.
- A commercial and permanent outbuilding will be oppressive, overbearing and will result in an unacceptable sense of enclosure on adjoining properties.

With regards to the above two comments, although the properties to the south have much shallower rear gardens to the subject site and the properties to the east and west, the separation distance in addition to the difference in levels is considered to mitigate any potential adverse harm on the residential amenity of these properties, including potential sense of enclosure and dominance. Furthermore, as mentioned previously in this report, the proposed outbuilding is in accordance with the Residential Design SPD.

Furthermore, the outbuilding is to be used as ancillary to the care home (C2 use) and is not considered to fall within a commercial activity use class.

- The facility could be accommodated in a sound-proofed garage or an outbuilding in the centre of the extensive grounds where it might cause less disturbance to neighbours.

The application is for the construction of an outbuilding in the given location and to be used for the purposes detailed. For the reasons that have been detailed through the above planning analysis, the proposed location is considered to be acceptable. Additionally, in order for the site to function securely, it is best that blind areas of the garden are not created; this would be done if the outbuilding were located more centrally within the rear garden.

- Concerned about the noise impact of this activity; not aware of sound proofing requirements and are concerned that windows and doors will be left open particularly in summer, resulting in noise emanating from the building towards adjoining properties.

This has been addressed in the above planning analysis; however, it is emphasised that conditions are recommended to control hours of use and noise levels are to be in accordance with the standard residential levels.

- The proposal pays no regard to the existence of the adjoining garden/amenity spaces and homes in Farnham Close.

The set down of the outbuilding at a lower ground level to these properties mitigates any potential harm to the residential amenity of these properties with respect to any dominance, loss of privacy or a sense of overlooking and the lack of fenestration on the side and rear elevations will mitigate noise impact on these properties. Although the outbuilding is to be located in close proximity to these properties to the south, this is not considered to be unacceptable due to the scale of both the activity and the building itself.

## **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.

The proposal is to provide a safe and secure gym facility for the users/residents of Courtlands. Given that the main building is used for special care purposes, it is considered



that providing such a facility that will increase the quality of life and experience of the care facility for the users is in accordance with Barnet Council's equality scheme.

## 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.

