

LOCATION: 58 Clifton Gardens, London, NW11 7EL
REFERENCE: F/04906/11 **Received:** 06 December 2011
Accepted: 20 December 2011
WARD(S): Garden Suburb **Expiry:** 14 February 2012

Final Revisions:

APPLICANT: Dr Barnard
PROPOSAL: Proposed part single storey - part two storey rear extension.
Retention of established use of the first floor as Opticians consulting rooms for the Optometrist practice registered on the ground floor storey.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site and location plan; Plan No's: 4234 PL 01 Rev A; 4234 PL 02; 4234 PL 03 A; Email from agent (Mr A Brown), dated 26/01/12.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 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 the surrounding area.
- 4 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.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
 - i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).
In particular the following policies are relevant:
Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D3, D5, CS11, M11, M14, EMP2, H3.
Core Strategy (Examination in Public version) 2012: CS NPPF, CS1, CS5, CS8, CS10.
Development Management Policies (Examination in Public version)2012: DM01, DM02, DM13, DM14, DM17.
 - ii) The proposal is acceptable for the following reason(s): The proposed extensions would be a proportionate addition to the dwellinghouse. They would

have an acceptable impact on the character and appearance of the streetscene, site property, general locality and the residential amenity of neighbouring occupiers. The proposed change of use would not result in the loss of residential floorspace and as conditioned would not impact detrimentally on the residential amenity of neighbouring occupiers. The proposals are acceptable on highways grounds.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The Mayor's London Plan: July 2011

Relevant Unitary Development Plan Policies: GBEnv1, GBEnv2, D1, D2, D3, D5, CS11, M11, M14, EMP2, H3.

Core Strategy (Examination in Public version) 2012

Development Management Policies (Examination in Public version) 2012

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS8, CS10.

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01, DM02, DM13, DM14, DM17.

Relevant Planning History:

Site Address:	ZAMENHOF HOUSE 58 Clifton Gardens LONDON NW11
Application Number:	C10228A
Application Type:	Full Application
Decision:	Approve with conditions
Decision Date:	11/07/1990
Appeal Decision:	No Appeal Decision Applies
Appeal Decision Date:	No Appeal Decision Date exists

Proposal: Single storey rear extension
Case Officer:

Site Address: 58 Clifton Gardens LONDON NW11
Application Number: C10228B
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 04/07/1997
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Single storey side entrance porch. Alterations to front bay window.
Case Officer:

Site Address: 58 Clifton Gardens LONDON NW11
Application Number: C10228
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 15/02/1989
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Conversion of existing house to ground floor consulting rooms and first floor self-contained flat, with parking spaces at the rear and one at the front
Case Officer:

Consultations and Views Expressed:

Neighbours Consulted: 70 Replies: 8
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- In support of new windows looking eastwards
- The proposed extension is unsuitable and detrimental to 56 Clifton Gardens
- Loss of privacy
- Overlooking properties at the end of the road.
- Proposals will restrict natural daylight to rear of No. 56
- Concerns flat roof of extension could be used as a balcony further compromising the privacy of No. 56.
- The development will burden the off street parking situation in Clifton Gardens
- Concerns that trees and other vegetation will be affected by the development
- Cannot identify on the plans whether there will be two separate accesses to ground and first floor, or one internal access to first floor from within the shop premises
- Uncertainty about whether additional staff are needed
- Concerns the development will have unacceptable unsightly cabling and pipework as a result of air conditioning

Internal /Other Consultations:

- Traffic & Development - No objection on highways ground.
- Environmental Health - No comments.

Date of Site Notice: 05 January 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is located on the northern side of Clifton Gardens, on the junction with the Finchley Road. The property on site takes the appearance of a two storey residential dwelling. It is partly used as an optician.

Proposal:

This application seeks consent for a proposed part single storey, part two storey rear extension. The retention of the first floor as an Opticians consulting rooms, for use by the Optometrist practice registered on the ground floor.

The application has been amended and the extensions reduced to address initial concerns raised by officers about the impact of the original proposed extensions on the amenity of neighbouring occupiers.

The proposed ground floor extension is now 4.85 metres in depth and is set 1 metre away from the side boundary with the neighbouring property. It would be 3.8 metres high to the ridge and 2.6 to the eaves.

The proposed first floor extension would project 3 metres from the original rear wall and would be set 1.9 metres away from the boundary with the neighbouring property.

Planning Considerations:

Partial change of use:

Policy H3 of the UDP relates specifically to the loss of residential uses and states that planning permission will not be granted for changes of use from residential to other uses.

Evidence has been provided with the application to demonstrate that the first floor of the application property has been in use as a consulting room by the ground floor Optometrist practice for 14 years, since 1st September 1997. The evidence comes in the form of a written valuation report from Martin, Russell, Joes Chartered Surveyors dated 20th June 2000, this confirms that the practices has occupied the entire premises. An additional report carried out by RA Valuation Services, who are the official practice valuer for the Association of Optometrists, carried out on 30th October 2000.

It is considered that the use of the first floor as an Optometrist practice has become lawful by virtue of time and that the lawful use is no longer residential. The proposals therefore would not lead to the loss of residential floorspace and comply with policy H3.

Council policy CS10 says that health care facilities should be located in areas that are accessible by public transport. In close proximity to Temple Fortune Town Centre with good bus links running along Finchley Road within walking distance, the site is an accessible location thus meeting council policy requirements.

It is not considered that the increase in floorspace and resultant intensification of use would be demonstrably harmful to the residential amenity of neighbouring occupiers.

Highways officers have no objections to the proposals which include the retention of 3 off street parking spaces.

Extensions:

The main issue in this case are considered to be covered under two main areas:

- The living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal.

General Policy GBEnv1 aims to maintain and improve the character and quality of the environment.

Policies D1 and D2 aims to ensure compatibility with the established character and architectural identity of existing and adjoining properties and the general location in terms of scale, design and impact on neighbouring properties. Established local character and townscape quality can be harmed by insensitive development, which is out of scale with and unrelated to the locality.

Part of policy D5 requires new development to safeguard outlook and light of neighbouring residential occupiers

The proposals would comply with the aforementioned policies and Council Design Guidance on Extensions to Houses and would be a proportionate addition to the building. They would have an acceptable impact on the character and appearance of the streetscene, site property, general locality and the residential amenity of neighbouring occupiers.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Planning matters are considered to have been covered in the above appraisal.

4. EQUALITIES 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.

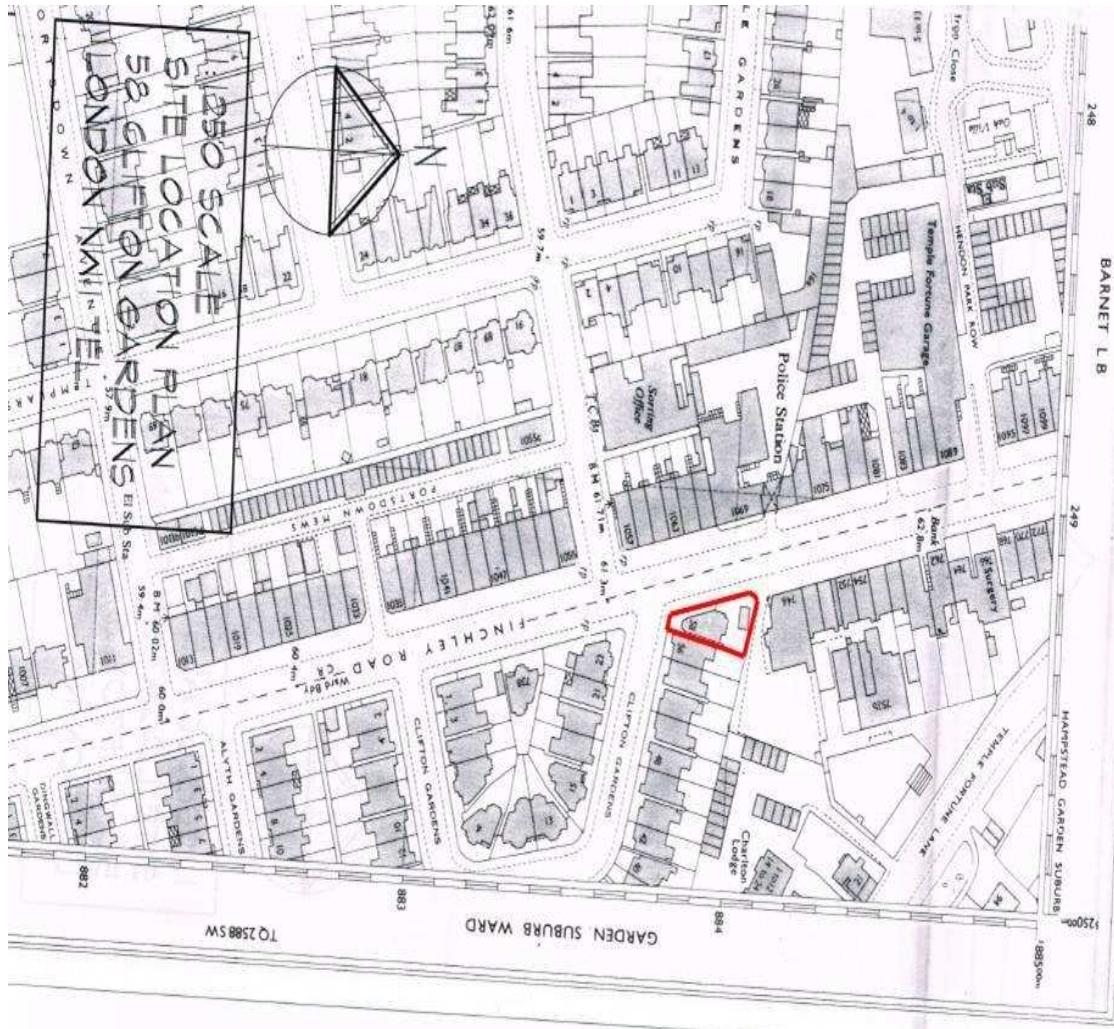
5. CONCLUSION

The proposed extensions would be a proportionate addition to the dwellinghouse. They would have an acceptable impact on the character and appearance of the

streetscene, site property, general locality and the residential amenity of neighbouring occupiers. The proposed change of use would not result in the loss of residential floorspace and as conditioned would not impact detrimentally on the residential amenity of neighbouring occupiers. The proposals are acceptable on highways grounds. **APPROVAL** is recommended.

SITE LOCATION PLAN: 58 Clifton Gardens, London, NW11 7EL

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