

Location **67 Church Lane London N2 8DR**

Reference: **18/2950/RCU** Received: 15th May 2018
Accepted: 18th May 2018

Ward: East Finchley Expiry 13th July 2018

Applicant: Mr Osman Ismail

Proposal: Creation of new door opening and alterations to window positions
(Retrospective Application)

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: Site Location plan, Drg.no.2632, Rev.2 and Drg.no.1711-2.

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 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 186-187, 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. 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 application site is located on the southern side of Church Lane, opposite the junction with Long Lane, within the East Finchley ward.

The existing building is an end of terrace property which forms part of a local parade of shops, comprising of Drug Store, Florist and Gift Shop and cafe / restaurant.

The site was previously used as a Class A2 (Financial services) unit on the ground floor and has recently received consent under the prior approval scheme to convert the unit into Class C3 (Residential use), with maisonettes occupying the first and second floors.

Another application was submitted to change the shopfront, however this was refused as the shop front contributes to the parade of shops and is of some merit to the existing parade of shops and subsequent appeal dismissed.

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

2. Site History

Reference: C07164A

Address: 67 Church Lane London N2 8DR

Decision: Approved subject to conditions

Decision Date: 07 January 1987

Description: Single storey rear extension

Reference: C07164B

Address: 67 Church Lane London N2 8DR

Decision: Approved subject to conditions

Decision Date: 24 February 1988

Description: Installation of a 1.3 metre diameter receive-only satellite dish aerial on side elevation

Reference: 16/0400/PNR

Address: Ground Floor, 67 Church Lane London N2 8DR

Decision: Prior Approval Required and Approved

Decision Date: 03 March 2016

Description: Change of use from Financial/Professional Services (Class A2) to Residential (Class C3) to provide 1no. unit

Reference: 17/2327/FUL

Address: 67 Church Lane, London, N2 8DR

Decision: Withdrawn

Decision Date: 12 June 2017

Description: Installation of new shop front

Reference: 17/3723/FUL

Address: 67 Church Lane, London, N2 8DR

Decision: Refused

Decision Date: 13 October 2017

Description: Conversion of ground floor shop to 1no residential unit following installation of new front facade

Appeal was dismissed on 07/02/18.

3. Proposal

The current application is for the creation of a new door opening and alterations to the position of the window to the rear elevations of the ground floor unit. The door will enable access onto the rear garden.

The previously existing 3no. windows to the rear elevation have been replaced with 1no. door and 2no. windows.

4. Public Consultation

92 consultation letters were sent to neighbouring properties.

5 objections have been received.

The views of objectors can be summarised below;

- New rear access will be created onto the entrance & garden of the above 1st floor maisonette
- Access door encroaches on the non-living space & entrance into the home of the regulated tenants living at the maisonette at first floor level.
- Applicant taking away access to space utilised and maintained by regulated tenant.
- results in proper invasion of privacy.
- Applicant has not gained permission for the work done at the property including the conversion of the ground floor shop and installation of new façade.
- Conversion of the commercial unit into flat has ruined the intrinsic part of the very special character of Church lane.

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, DM08, DM12, DM17.

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, semidetached 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 the character and appearance of the existing building, the street scene and the wider locality

The application site occupies the ground floor of the end of a local parade of shops, with residential flats existing on the upper two floors. Whilst the parade of shops is not within a town centre, it forms part of a continuous and unified street scape.

The ground unit has prior approval for conversion to residential use and therefore this conversion can be undertaken without planning permission. Notwithstanding this planning consent is required for external changes.

With regards to the changes to the fenestration of the rear elevation of the ground floor unit, it is not considered that it would be harmful to the character and appearance of the building or the overall parade, which dates from the 1930s.

The design and appearance is not considered to significantly detract from the character of the existing shopping parade and is therefore considered to be acceptable in terms of its appearance.

Impact on the living conditions of neighbouring residents

The proposal does not involve extending the footprint of the property in any way and the only changes are to the rear fenestration of the ground floor unit.

The ground floor self-contained flat will be accessed via the new entrance proposed on the front elevation of the host property on Church Lane, and the new rear door will allow access to the rear garden.

It is not considered that the changes in fenestration will result in additional footfall above what has already been approved, as such the proposal is not considered detrimental to the amenities of neighbouring properties.

5.4 Response to Public Consultation

- New rear access will be created onto the entrance & garden of the above 1st floor maisonette
- Access door encroaches on the non-living space & entrance into the home of the regulated tenants living at the maisonette at first floor level.
- Applicant taking away access to space utilised and maintained by regulated tenant.
- results in proper invasion of privacy.

It is noted that the objections mainly relate to the access of the rear garden. However, agent has confirmed that the entire building belongs to the applicant and therefore the rear

access is in possession of the applicant. Furthermore issues relating to rights of access is not a planning consideration.

- Applicant has not gained permission for the work done at the property including the conversion of the ground floor shop and installation of new façade.
- Conversion of the commercial unit into flat has ruined the intrinsic part of the very special character of Church lane.

The ground floor unit benefits from prior approval for the conversion of the property into a 1bed flat.

With regards to the concerns raised that the residential unit will have a negative impact on the local parade is noted, however, the change of use met the criteria in respect of the prior approval process and accordingly prior approval and the change of use was granted under that provision.

It is considered that the proposed changes will have an acceptable impact on the character of the site and the immediate vicinity. It not considered that the changes will have a detrimental impact on the amenities of neighbouring properties in terms of loss of privacy or overlooking.

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 the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the amenities of neighbouring properties. This application is therefore recommended for Approval.



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