

Location **504 Finchley Road London NW11 8DE**

Reference: **18/4168/FUL** Received: 5th July 2018
Accepted: 19th July 2018

Ward: Childs Hill Expiry 13th September 2018

Applicant: Chase London Ltd

Proposal: Construction of outbuilding for use as a gym following the demolition of existing shed.

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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: 201810/504FR/01, 201810/504FR/02A, and 201810/504FR/S1.

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 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the outbuilding hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 4 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 38-57 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

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. units 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 to a communal area at the rear.

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.

The subject property is not a listed building nor is it in a conservation area.

2. Site History

Reference: 17/4842/FUL

Address: 504 Finchley Road, London, NW11 8DE

Decision: Refused by Committee. Appeal dismissed

Decision Date: 14.05.2018

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

Reference: 17/2226/FUL

Address: 504 Finchley Road, London, NW11 8DE

Decision: Refused by Committee

Decision Date: 27.07.2017

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

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 4m (width) x 6.6m (length) x 2.3m (eaves height). The building would be constructed with a concrete frame and timber cladding.

4. Public Consultation

Councillor Ryde has requested that should the application be recommended for approval, the application should be referred to the committee to consider whether the outbuilding would be out of character and cause overlooking to the neighbouring properties.

Consultation letters were sent to 10 neighbouring properties. 6 responses have been received, comprising 6 letters of objection.

The objections received can be summarised as follows:

- Overdevelopment of the site
- Harm the impact of the character of the property and neighbouring properties
- Use as additional studio flat or bedroom
- Set an unwelcome precedent in terms of over-intensification of the site
- Noise impacts
- Loss of outlook
- Loss of privacy
- Garden grabbing
- Lack of detail

A further 14-day consultation period was carried out on 23.10.2018 following further revisions.

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 24 July 2018. 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

Background

Application 17/4842/FUL was refused by the Finchley and Golders Green Area Planning Committee for the following reason:

"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."

The appeal was dismissed.

The outbuilding the subject of the appeal measured 5m (depth) x 5.5m (length) x 2.5m (height) and was proposed to be constructed from brickwork to match existing. The current outbuilding would measure 4m (width) x 6.6m (length) x 2.3m (eaves height). The building would be constructed with a concrete frame and timber cladding.

Whether harm would be caused to the character and appearance of the existing building
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 with a shallow pitch roof and constructed with materials to match the site's context, being clad in timber. The Inspectors report on the refused scheme noted it had a flat roof. The current proposal has a shallow pitched roof and is more appropriate as a roof form for a garden shed and therefore more in character with its immediate context.

Unlike the previous scheme refused on appeal (ref APP/N5090/W/18/3192773), the present proposal has a footprint with the narrower gable end facing towards the rear of the Finchley Road houses and therefore minimises visual impact to the subject garden and adjacent gardens. Officers consider that the realignment of the building together with the

introduction of a shallow pitched roof overcome two principal concerns raised in the Inspectors decision.

Planning Officers consider that the design and scale of the current proposal has addressed the points raised in the Inspectors report, would be in-keeping and would be viewed in context with the boundary enclosures and existing outbuildings and sheds in the wider area. The appearance would be a visual improvement on the present structure because of the more suitable materials, reduced overhangs and removal of openings to the gable elevation.

Whether harm would be caused to the living conditions of neighbouring residents

It is proposed to use the outbuilding as a gym. 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, including separate studio.

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, its position relative to the existing shed 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 their 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.

The amended design removes door and window openings to the gable elevation (the elevation facing the houses) and therefore removes any potential light pollution or perceived overlooking.

The Inspector confirmed in the appeal decision (ref APP/N5090/W/18/3192773) that the development would not cause harm to the amenity (living conditions) of residents in regard to light, outlook and privacy. It should be borne in mind that this consideration was made regarding a building located in a more visible position than is the case with the current proposal and which reflects the present position of the outbuilding.

5.4 Response to Public Consultation

Overdevelopment - The proposed building has been reduced in width and is considered to be of a more appropriate scale, height 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, form and external materials. As such it is not considered to be out of keeping with the character or to create any adverse visual impacts.

Use as additional dwelling - The proposal seeks use of the building as a gym 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.

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 since the footprint is almost identical to the present one.

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.

Garden grabbing - The site where the proposed building is to be located is located within the existing boundaries of no.504 and as such is not considered to be garden grabbing as the boundaries remain unaltered. The footprint of the new shed would be 26sqm out of a total rear garden area of approximately 180sqm, which is about 14% of the present garden area.

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.

