

**LOCATION:** Ground floor flat, 1 Dollis Park, London, N3 1HJ  
**REFERENCE:** F/01286/12 **Received:** 03 April 2012  
**Accepted:** 17 April 2012  
**WARD(S):** Finchley Church End **Expiry:** 12 June 2012  
**Final Revisions:**

**APPLICANT:** Mr D Patel  
**PROPOSAL:** Single storey outbuilding in rear garden.

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan; SV450/L/01 date stamped 21 Jun 2012; SV450/P/02 date stamped 21 Jun 2012.  
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 use of the outbuilding hereby permitted shall at all times be ancillary to and occupied in conjunction with the ground floor flat of the main building and shall not at any time be occupied as a separate unit.  
Reason:  
To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties.
- 4 The outbuilding hereby permitted shall not at any time be fitted with kitchen facilities.  
Reason:  
To ensure that the development does not facilitate a use which might prejudice the character of the locality and the amenities of occupiers of adjoining residential properties.
- 5 The outbuilding hereby approved shall not be used until works to remove the internal wall separating the proposed gym and changing area has been removed.  
Reason:  
To safeguard the privacy and amenities of occupiers of adjoining residential properties.

**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, D5 & H27.

Design Guidance Note No 5 – Extensions to Houses

Relevant Core Strategy Policies (Adoption version) 2012:

Relevant policies: CS NPPF, CS1, CS5.

Development Management Policies (Adoption version) 2012:

Relevant policies: DM01, DM02.

ii) The proposal is acceptable for the following reason(s): -

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet UDP policies and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers.

## **1. MATERIAL CONSIDERATIONS**

National Planning Policy Framework

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 London Plan is recognised in the NPPF as part of the development plan.

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."

NPPF retains 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 July 2011:

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 2031. It forms part of the development plan for Greater London.

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.

Relevant Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction “saving” 183 of the 234 policies within the UDP.

Relevant policies to this case: GBEnv1, GBEnv2, D1, D2, D5 & H27.

#### Design Guidance Note No 5 – Extensions to Houses

The Council Guide ‘Extension to Houses’ was approved by the Planning and Environment Committee (The Local Planning Authority) on March 2010. This leaflet in the form of a supplementary planning guidance (SPG) 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.

Included advice 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.

In respect to amenity, the extension should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook and be overbearing or cause an increased sense of enclosure to adjoining properties.

The basic principles the Local Authority has adopted in respect to different types developments are that they should not unduly reduce light or outlook from neighbouring windows to habitable rooms, overshadow or create an unacceptable sense of enclosure to neighbouring gardens. They should not look out of place, overbearing or bulky from surrounding areas.

The Council has also adopted (June 2007), following public consultation, a Supplementary Planning Document “Sustainable Design and Construction”. The SPD provides detailed guidance that supplements policies in the Unitary Development Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

#### Core Strategy (Adoption 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.

The Core Strategy is now capable of adoption following receipt of the Inspector’s Report in June 2012. The Inspector endorsed all the Council’s modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be

given to the 16 policies in the CS. 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 (Adoption version) 2012: CS NPPF, CS1, CS5.

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.

Development Management Policies is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 18 policies in the DMP. 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 Development Management Policies (Adoption version) 2012: DM01, DM02.

Consultations and Views Expressed:

|                             |    |          |    |
|-----------------------------|----|----------|----|
| Neighbours Consulted:       | 21 | Replies: | 10 |
| Neighbours Wishing To Speak | 3  |          |    |

The objections raised may be summarised as follows:

- Objections to future residential use.
- Additional traffic
- Overlooking
- Restricted light
- Built without permission
- (Large) scale and appearance have detrimental impact
- Debris from construction
- Overdevelopment of site
- Strain on sanitation

Internal /Other Consultations:

- London Underground - Infrastructure Protection -
- Dollis Park and District Residents Association - Objection

Date of Site Notice:

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The application site is a semi detached dwelling which has been subdivided into flats. The rear of the garden backs on to railway tracks serving the Northern Line.

The property is located next to an existing mechanics garage.

Proposal:

The application relates to the retention of an outbuilding at the rear most part of the garden. The outbuilding has a width of 5.8m, depth of 6.2m and a height of 3.2m with a flat roof. The application has been amended since the initial submission removing an internal wall to make the internal configuration of the outbuilding 2 rooms only.

Planning Considerations:

The outbuilding is considered to be in compliance with council policies as set out below:

General Policy GBEEnv1 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

Policy H27 states that extensions to houses should harmonise existing and neighbouring properties, maintain the appearance of the streetscene and have no significant adverse effect on the amenity of neighbouring occupiers. They should be in keeping with the scale, proportion, design and materials of existing and neighbouring houses.

The building complies with the aforementioned policies and Council Design Guidance on Extensions to Houses and is a proportionate addition to the rear garden and would not result in an overdevelopment of the site. It has an acceptable impact on the character and appearance of the streetscene, site property, general locality and the residential amenity of neighbouring occupiers.

Conditions are imposed on the application to ensure it is not used as a separate residential dwelling. Conditions imposed include a condition to ensure that the building remains ancillary to the ground floor flat of the main dwellinghouse, that the outbuilding will not at any time be fitted with kitchen facilities and the internal layout of the outbuilding will remain as shown on the drawings.

**3. COMMENTS ON GROUNDS OF OBJECTIONS**

- Objections to future residential use- conditions have been attached to the application to prevent the building being used as a separate unit. The use of the property as residential accommodation would constitute a change of use that would require further planning permission.
- Additional traffic - the outbuilding is to be used ancillary to the ground floor flat and as such it is not considered that it would result in any additional traffic.

- Overlooking - the windows in the outbuilding face on to an existing works building and railway tracks, it is not considered that there would be any overlooking to residential occupiers.
- Restricted light - the building in this siting is not considered to significantly reduce light to the neighbouring residential occupiers.
- Built without permission - it is acknowledged that the outbuilding was built without planning permission, however, a retrospective application has been submitted to rectify this.
- (Large) scale and appearance have detrimental impact - the appearance of the outbuilding is not considered to have a significantly detrimental impact on the surrounding area to warrant refusal.
- Debris from construction - this is not covered by planning legislation.
- Overdevelopment of site - the building is not considered to result in overdevelopment
- Strain on sanitation - this is not covered by planning legislation.

#### **4. EQUALITIES AND DIVERSITY ISSUES**

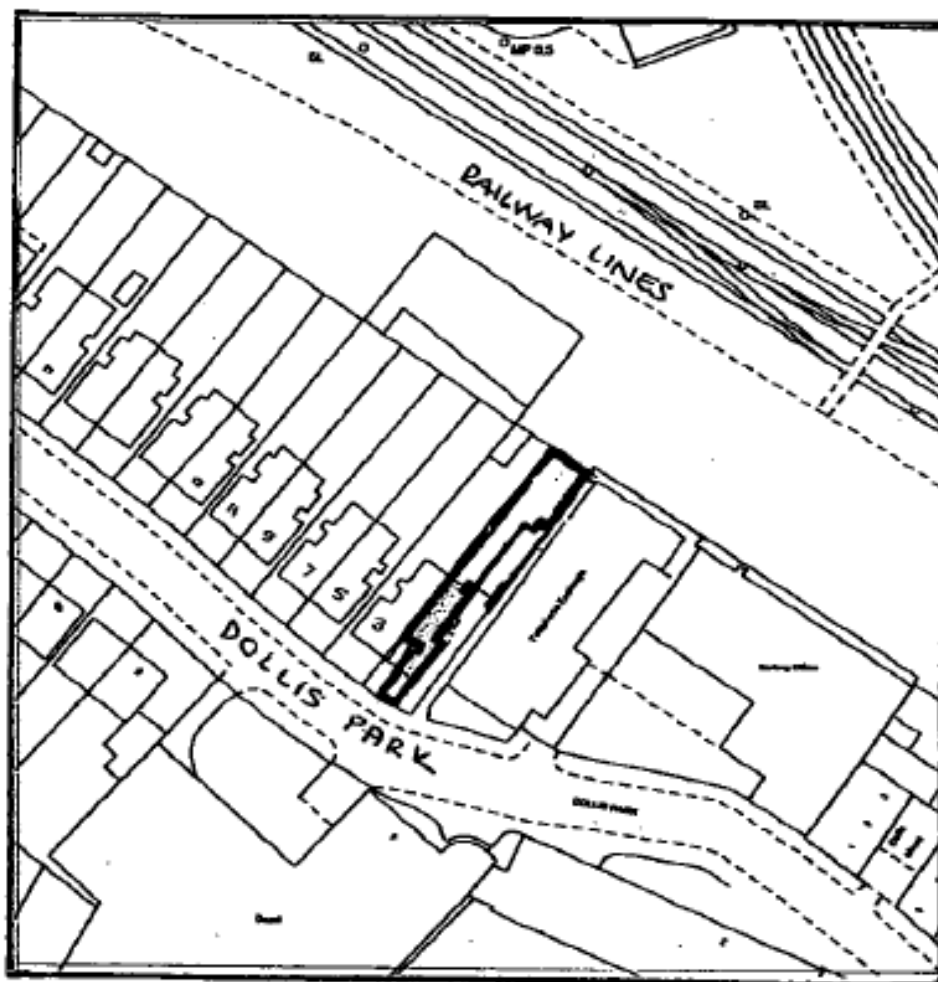
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

#### **5. CONCLUSION**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet UDP policies and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for **APPROVAL**.

**SITE LOCATION PLAN:** Ground floor flat, 1 Dollis Park, London, N3 1HJ

**REFERENCE:** F/01286/12



**LOCATION PLAN**

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