

LOCATION: 62 Grove Road, London, N12 9DY

REFERENCE: F/04073/12

Received: 29 October 2012

Accepted: 26 November 2012

WARD(S): Woodhouse

Expiry: 21 January 2013

**Final
Revisions:**

APPLICANT: Mr P Street

PROPOSAL: Retention of single storey residential unit in rear garden ancillary to main house.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Block Plan; 112PO1- Proposed Plans; 112P02- Proposed Elevations.

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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

2. The use of the extension hereby permitted shall at all times be ancillary to and occupied in conjunction with 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 in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

3. When the residential unit hereby permitted ceases to be occupied by Mr. Jonathan Street, the use shall cease and all internal living space and associated facilities (kitchen, bathroom, living area etc) used in connection with the residential unit shall be removed to the satisfaction of the Local Planning Authority.

Reason:

To protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

4. Before the building hereby permitted is occupied, the top third of the window(s) in the front elevation facing 60 Grove Road shall be glazed with obscure glass only and be permanently retained as such thereafter and the entire window shall be permanently fixed shut with only a fanlight opening.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012)..

5. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order), no windows shall be inserted into the building hereby approved other than those shown on the approved plans.

Reason:

To protect the privacy and amenity of the adjoining property in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

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 Core Strategy (2012) and Development Management Policies DPD (2012). In particular the following polices are relevant:

Core Strategy (Adopted) 2012: CS NPPF, CS1, CS4 and CS5.

Development Management Policies (Adopted) 2012: DM01, DM02, DM03.

- 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, the proposal would comply with the Council's policies and guidelines and would not cause unacceptable harm to the area, the existing building or the amenities of any neighbouring property and would provide better accommodation to the special requirements of the applicant.

- iii) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

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 Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11th September 2012

Relevant Core Strategy DPD (2012) Policies: CS NPPF, CS1, CS4 and CS5

Relevant Development Management DPD (2012) Policies: DM01, DM02, DM03.

Supplementary Planning Documents and Guidance

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.

The Council is currently consulting on the following two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations.

Residential Design Guidance:

<http://barnet.moderngov.co.uk/ieDecisionDetails.aspx?Id=4342>

Sustainable Design and Construction:

<http://barnet.moderngov.co.uk/ieDecisionDetails.aspx?Id=4343>

Relevant Planning History:

Site Address:	62 Grove Road LONDON N12
Application Number:	C11303
Application Type:	Full Application
Decision:	Approve with conditions
Decision Date:	09/12/1992
Appeal Decision:	No Appeal Decision Applies
Appeal Decision Date:	No Appeal Decision Date exists
Proposal:	Ground floor side and rear extension
Case Officer:	

Site Address: 62 Grove Road London N12 9DY
Application Number: C11303C/04
Application Type: Full Application
Decision: Refuse
Decision Date: 18/03/2004
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Alterations to roof including hip to gable and rear dormer window.**
Case Officer: Karina Conway

Site Address: 62 Grove Road London N12 9DY
Application Number: C11303A/03
Application Type: Full Application
Decision: Refuse
Decision Date: 30/05/2003
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Alterations to roof including hip to gable and rear dormer window.**
Case Officer:

Site Address: 62 Grove Road London N12 9DY
Application Number: C11303B/03
Application Type: Full Application
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Alterations to roof including hip to gable and rear dormer window.**
Case Officer:

Consultations and Views Expressed:

Neighbours Consulted: 7 Replies: 5
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- Overlooking as result of development
- Loss of privacy
- Does not meet standard flat requirements
- Consultation period not long enough
- Front windows of proposed outbuilding should be obscure glazed to maintain privacy to neighbours
- Scale and appearance
- Loss of mature tree and inhabited wildlife
- Noise and disturbance as a result from usage
- Inappropriate development
- Potential extra strain on infrastructure; plumbing in particular

Internal /Other Consultations:

Green Spaces (inc Allotments) - No comments

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a semi-detached residential dwelling house located in the Woodhouse ward. The site does not fall within a conservation area.

Proposal:

The application seeks consent for the retention of single storey residential unit in rear garden ancillary to main house.

Planning Considerations:

Development Management Policy DM01 (Protecting Barnet's character and amenity) states that all development should represent high quality design and that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Development Management Policy DM03 (Accessibility and inclusive design) sets out various principles and states that development proposals should be flexible and responsive taking account of what different people need so people can use them in different ways and should be realistic, offering more than one solution to help balance everyone's needs, recognising that one solution may not work for all.

The Council's Residential Design Guidance sets the following principles for outbuildings:

- they should not unduly over-shadow neighbouring properties
- they should not be too large or significantly reduce the size of a garden 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.

The document further states that proposals to build an annex will be considered on the individual merits of the scheme. It goes on to say that an annex must not have a separate entrance or staircase and should be internally connected to the rest of the house and should not include a separate kitchen. It must remain ancillary to the main house at all times and this may be conditioned. The development of self-contained or similar accommodation will not be permitted.

However, each application must be determined on its own merits. The owner have provided a doctor's letter stating that the outbuilding will be for a disabled person and this is needed to assist him to live independently whilst still being able to receive support. Special circumstances can be taken into account for this case. It is acknowledged that the application would not normally be permitted, however it is considered that a personal planning permission, which would require the living

accommodation to be removed when the unit is no longer required can be used on this occasion. Another condition ensuring the unit remain ancillary to the house and not leased separately has also been attached.

The approved drawing show that the proposed outbuilding would have conformed to permitted development had the building been in a use which was ancillary to the main house. As the application proposes a new dwelling, permitted development rights do not apply and as such the building should instead be assessed in terms of its impact on the surrounding area. It is not considered that the building in terms of its design, bulk and mass would have a negative impact on the character and appearance of the surrounding area or give rise to loss of amenity to any neighbouring property.

There have been concerns raised concerning the amount of overlooking that the dwelling will give rise to. It is acknowledged that the outbuilding has clear glazed windows that overlook the backs of properties in Grove Road, particularly 60 Grove Road. It is considered that the fence that separates the outbuilding from 60 Grove Road does largely prevent overlooking from taking place, although the concerns relating to the perception of overlooking must also be taken into account. It is considered that if the top third of the glass in the main living area window was obscured glazed, this would ensure that the sense of overlooking would be acceptable. A condition has therefore been attached to the application.

There are concerns that the flat does not meet the minimum space standard of 37sqm for a new studio, as it is only 24.2 sqm. There is also no specific amenity space provided for the unit. However, as this is intended to be a personal consent and has been condition to remain ancillary to the main house, it is not considered that either of these issues would be a reason to refuse permission. There are therefore no objections on these grounds.

As the property is ancillary to the main house (and has been conditioned as such), and the occupier of the new unit already lives at the house, it is not considered that there is any need for contributions towards education libraries and healthcare. No obligations have therefore been attached to the consent.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Most of the grounds of objection have been covered in the main report. The others have been addressed below:

- The consultation period is a statutory timescale which is the same for all application.
- There is not considered to be any detrimental loss of mature trees and inhabited wildlife.
- It is not considered that the noise and disturbance resulting from the usage would be detrimental to neighbouring amenity.
- It is not considered that the development constitutes inappropriate development as explained in the main report.
- There is not considered to be any significant strain on local infrastructure.

4. EQUALITIES AND DIVERSITY ISSUES

Equality Duties and the Equality Act 2010

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies is set out in Section 149 of the Act. The duty requires the Council to pay regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

Equality duties require Authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different equality groups. It is an opportunity to ensure better decisions are made based on robust evidence.

Section 149 of the Act states that:

1. A public authority must, in the exercise of its functions, have due regard to the need to-
 - (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
2. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-
 - (a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different to the needs of persons who do not share it;
 - (c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- (3) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular steps to take account of disabled persons' disabilities.
- (4) Having due regard to the need to foster good relations between persons who share relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-
 - (a) Tackle prejudice, and
 - (b) Promote understanding
- (5) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(6) The relevant protected characteristics are-

- Age;
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

It is considered that the applicant is within a protected group (disability). The proposals would significantly benefit a disabled member of their family by providing semi-independent facilities within the curtilage of the family home.

S149 (5) of the Act requires that the Council have due regard to the need to:-

- “(5) having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:-
- (a) Tackle prejudice and
 - (b) Promote understanding”

It is considered that the planning application itself provides an opportunity for an understanding of disabilities to be promoted.

In determining this planning application the Local Planning Authority must have due regard to the equalities impacts of the proposed redevelopment of the site on those persons protected under the Equality Act 2010. This Act requires the Local Planning Authority to demonstrate that any decision it makes is reached in a fair, transparent or accountable way considering the needs and rights of different members of the community.

The potential equality impacts have been highlighted above. Any equalities impacts have also to be analysed in the context of the overall planning merits of the scheme and the benefits it will confer particularly on a disabled person.

Officers consider that the benefits to the applicant (within a protected group) and the use of planning conditions would outweigh the potential harm to neighbouring residents.

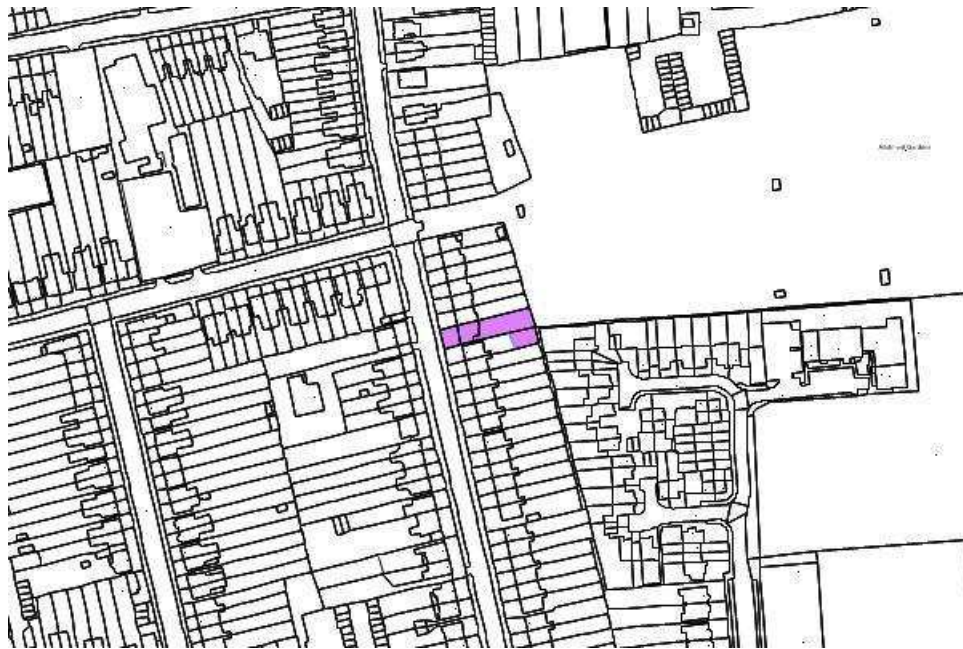
5. CONCLUSION

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would comply with the Council's policies and guidelines and would not cause unacceptable harm to the area, the existing building or the amenities of any neighbouring property.

It is therefore recommended that the application be **APPROVED**.

SITE LOCATION PLAN: 62 Grove Road, London, N12 9DY

REFERENCE: F/04073/12



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