

**LOCATION:** 592 Finchley Road, London, NW11 7RX  
**REFERENCE:** F/03977/12 **Received:** 22 October 2012  
**Accepted:** 29 November 2012  
**WARD(S):** Childs Hill **Expiry:** 24 January 2013  
**Final Revisions:**  
**APPLICANT:** Mr S Kapoor  
**PROPOSAL:** Single storey building to rear of garden for use as a physiotherapy/fitness building in conjunction with the main building of 592 Finchley Road.

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 08/29/SK/1A (Date Stamped 09/04/2009); E-mail from agent (Mr David Copper) dated 20 April 2009 confirming that there will be no additional staff employed in the new or existing building from the five employees indicated on the application form. The physiotherapist/ fitness trainer and all the relevant equipment will be transferred from the existing cramped conditions in the main building to the proposed outbuilding.  
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 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 surrounding area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).
- 4 The outbuilding hereby approved shall only be used for purposes ancillary to the existing physiotherapy centre. Access to the main building from the outbuilding shall be maintained and free from obstruction.  
Reason:  
To ensure that the amenities of the occupiers of adjoining properties are not prejudiced.
- 5 Details of the access ramp hereby approved shall be submitted to and approved by the local planning authority prior to installation.  
Reason:  
To safeguard the visual amenities of the building and the surrounding area.
- 6 The hereby approved planning permission shall allow the premises to operate from 8 am to 6 pm Monday to Friday, 8 am to 1 pm on Saturdays and remain closed on Sundays, Bank or Public Holidays.  
Reason:  
To safeguard the amenities of occupiers of surrounding residential properties.

- 7 The hereby approved planning permission together with the main premises at 592 Finchley Road shall be occupied by a maximum of five employees only.  
Reason:  
To safeguard the amenities of occupiers of surrounding residential properties.
- 8 A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.  
Reason:  
To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).
- 9 All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.  
Reason:  
To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.
- 10 Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.  
Reason:  
To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

**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, CS5, CS7, CS11.

Development Management Policies (Adopted) 2012: 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 Local Plan policies and guidance 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.

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.

2 This permission relates solely to the proposed outbuilding as described in the application description. The application makes mention of alterations to car parking layout. A further application is required for these additional works.

3 Any highway approval as part of the planning process for the alteration to the existing crossovers or new crossovers will be subject to detailed survey by the Crossover Team in Highways Group as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Highways Group, NLBP, Building 4, 2 nd Floor, Oakleigh Road South, London N11 1NP.

## **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 Government's 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): CS NPPF, CS1, CS5, CS7, CS11.

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

### 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) in March 2010. This 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, 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.

The Council adopted a Supplementary Planning Document (SPD) "Sustainable Design and Construction" (June 2007), following public consultation. This SPD provides detailed guidance that supplements policies in the adopted Local 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. The Residential Design Guidance SPD (consultation draft November 2012) and Sustainable Design and Construction SPD (consultation draft November 2012) are now material considerations.

Relevant Planning History:

**Site Address:** 592 Finchley Road LONDON NW11  
**Application Number:** C13830  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 22/11/1999  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Change of use from a dwellinghouse to a physiotherapy health centre with ancillary offices and consultation room, and a self-contained one bedroom flat at second floor level. Parking provision for three**

**Case Officer:**

**Site Address:** 592 Finchley Road London NW117RX  
**Application Number:** C13830D/04  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 28/01/2005  
**Appeal Decision:** Dismissed  
**Appeal Decision Date:** 28/01/2005  
**Proposal:** **Variation of Condition 5 of Planning Permission C13830 to allow only 4 consultants to practice at the premises at any one time and Condition 6 "No work shall be carried out on the premises at any time on Sundays or Public Holidays and before 8:00am or after 8:00pm on Monday to Friday and 8:00am to 1:00pm Saturdays". Addition of two off-street car parking spaces.**

**Case Officer:** Laura Knight

**Site Address:** 592 Finchley Road London NW117RX  
**Application Number:** C13830F/07  
**Application Type:** Advertisement  
**Decision:** Approve with conditions  
**Decision Date:** 16/03/2007  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of advertisement boards and installation of ground lights in front forecourt.**

**Case Officer:** Claire Thorley

**Site Address:** 592 Finchley Road, London, NW11 7RX  
**Application Number:** F/00785/09  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 21/04/2009  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Single storey building to rear of garden for use as a physiotherapy/fitness building in conjunction with the main building of 592 Finchley Road.**

**Case Officer:** Junior C. Moka

**Site Address:** 592 Finchley Road, London, NW11 7RX  
**Application Number:** F/03318/09  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 30/10/2009  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Single storey building to rear of garden for use as a physiotherapy/fitness building in conjunction with the main building of 592 Finchley Road.**

**Case Officer:** Junior C. Moka

**Site Address:** 592 Finchley Road, London, NW11 7RX  
**Application Number:** F/02118/10  
**Application Type:** Full Application  
**Decision:** Withdrawn  
**Decision Date:** 05/07/2010  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Single storey building to rear of garden for use as a physiotherapy/ Pilates building in conjunction with the main building of 592 Finchley Road, including associated alterations to garden and new access ramp.**

**Case Officer:** Junior C. Moka

**Site Address:** 592 Finchley Road, London, NW11 7RX  
**Application Number:** F/02971/10  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 20/09/2010  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Single storey building to rear of garden for use as a physiotherapy/ Pilates building in conjunction with the main building of 592 Finchley Road, including associated alterations to garden and new access ramp.**

**Case Officer:** Junior C. Moka

**Site Address:** (Golders Hill House), 592 Finchley Road, London, NW11 7RX  
**Application Number:** F/03211/10  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 13/10/2010  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **New front porch. New access ramp and handrails to front entrance. Alterations to existing steps.**

**Case Officer:** Junior C. Moka

Consultations and Views Expressed:

Neighbours Consulted: 50                      Replies: 5  
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

1. Misleading information included in the design and access statement;

2. Commercialisation in an inappropriate location;
3. The site is environmentally sensitive;
4. Amendments passing through Parliament at present time which will prevent developments on gardens in residential locations;
5. Enforcement action was taken at 600 Finchley Road for a much smaller extension;
6. This is no different to a bungalow in one's garden - Bulk, size, and mass is a concern;
7. Concerns on the impact on trees and foliage;
8. Increased comings and goings as a result of the proposal;
9. Noise and disturbance harmful to the amenities of neighbouring occupiers;
10. The proposal results in garden grabbing;
11. By coincidence the sqm footage of the proposal comply with the standards for a 2 bedroom flat;
12. The proposal would be two feet higher than the maximum allowed by the LPA for rear garden fences;
13. Loss of garden space as there may be residential dwellings above the medical practitioners considering the layout of other medical practitioners nearby;
14. Would not comply with Local Plan Documents;
15. Out of character within residential surroundings;
16. LPA must look to pursue the environmental green policies;
17. Erosion of Green environment;
18. Parking concerns as result of increased coming and goings;
19. No protection from smells from the fans in the new toilet facility;
20. Possible Overlooking;
21. Unhappy with the consultation process.

Internal /Other Consultations:

Development Team, Highways Group -

The proposal is for an erection of a new single storey building for physiotherapy purposes. 3 parking spaces are shown on drawing No. 247-071-WA-DR-SP-001 submitted with the application. The applicant has also indicated that 8 parking spaces can be accommodated in total. However, the LPA are not sure how and where these spaces will be provided.

The LPA will need to see a design drawing showing the parking layout for the 8 parking spaces. The parking spaces will need to be independently accessible.

However, considering that the operation is by appointments only and as the application site is located near a town centre and within a controlled parking zone, the proposal with the 3 parking spaces is acceptable.

Recommendation:

There are no objections on highways grounds subject to a condition and an informative.

Date of Site Notice: 03 January 2013

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site is a semi-detached property located just outside of Golders Green Town Centre Conservation Area. The property was converted from a residential property to physiotherapy centre in 1999.

### Proposal:

The proposal relates to a single storey outbuilding to the rear of the garden for purposes ancillary to the existing physiotherapy/fitness centre. The outbuilding would be 10 m in width x 4.5m in depth with a maximum height of 2.6m to a flat roof design. Access to the outbuilding would be via new ramp access linked to the main building.

The building is set in 1 metre from the boundaries of both no. 594 Finchley Road (side) and the supermarket car park (rear). The extension is 1 metres from the boundary of no. 590 Finchley Road (side).

The additional outbuilding is not to create additional staff but to create better facilities for the centre. The application is conditioned in the same way as the original consent in 1999 that no more than 5 employees shall be employed on site at any one time. Thus, it is not considered that there will be in an increase in unacceptable levels of noise and disturbance. The application describes the use of the building as a supplementary facility to the existing health centre.

It should be noted this application is identical to the previously approved planning permission ref: F/00785/09 dated 21/04/2009. The outbuilding was not implemented as the applicant missed the 3 year deadline to build the outbuilding.

### Planning Considerations:

Having regard to the previous approved application and considering the height that is visible above the existing garden level, this application is considered materially the same.

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.

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 of the Development Management Policies (Adopted) 2012 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 that development makes a positive contribution to the borough. The development standards set out in Policy DM02: Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

The council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene. Developments both individually and cumulatively can have a profound effect on the appearance of neighbourhoods and of the street scene and on the amenities enjoyed by the occupiers of adjoining properties.

All developments should reflect the design of the original building, have regard to the character of the area and amenity enjoyed by your neighbours. This means making sure the development does not disrupt the neighbours' enjoyment of their own home, garden or neighbourhood.

It is considered that the outbuilding will not have significant impact on the character of the area and residential amenity of neighbouring properties. The size, location and design would not cause undue over shadowing to gardens of neighbouring properties. Outbuilding are common feature within the immediate locality and this outbuilding would not appear alien. The outbuilding will be visible from the supermarket car park to the rear of the site, however the impact will be minimal and not significant enough to warrant refusal. The building has been moved off the boundary to address the concerns of the council.

It is not considered that the use would result in noise and disturbance harmful to the amenities of neighbouring occupiers.

The application describes the use of building as a supplementary facility to the existing health and fitness centre. The application will be conditioned to ensure this use is maintained.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

The principle of the development have been agreed on the previously approved applications and it is considered that the new guidance notes do not alter the previous recommendation of approval.

In regards to the objections made about the alleged environmentally sensitive location, full consideration has been made considering the Planning Policy Statement 9: Biodiversity and Geological Conservation; Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System; European Protected Species, Development Sites and the Planning System - directive and regulation 3 (4); and it is felt that this is not a reason for refusal as there is no evidence that there are protected species or any other sensitive environmental features that are present within the site.

The LPA have considered the matter but do not feel there is evidence to support a

refusal on ecological grounds.

#### **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 Local Plan policies and guidance 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:** 592 Finchley Road, London, NW11 7RX

**REFERENCE:** F/03977/12



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