

**LOCATION:** 38 Wentworth Avenue, London, N3 1YL

**REFERENCE:** F/04117/12

**Received:** 29 October 2012

**Accepted:** 18 December 2012

**WARD(S):** West Finchley

**Expiry:** 12 February 2013

**Final Revisions:**

**APPLICANT:** Wentworth Medical Practice

**PROPOSAL:** Single storey outbuilding in the rear for use as a physiotherapy consultation and treatment room.

**RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement, Drawing No. 1286 P01 and Drawing No. 1286 P02 Rev A

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. A scheme of 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).

4. 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.

5. 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.

6. 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.

7. The premises hereby approved shall only be open from 9 am to 5.30 pm Monday to Fridays, and not at all on Saturdays, Sundays, Bank or Public Holidays.

Reason:

To safeguard the amenities of occupiers of surrounding residential properties.

8. The premises hereby approved shall be occupied by a maximum of two employees at any time.

Reason:

To safeguard the amenities of occupiers of surrounding residential properties.

9. 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).

#### **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 policies are relevant:

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

Development Management Policies (Adopted) 2012: DMO1, DM02 and DM13

ii) The proposal is acceptable for the following reason(s): - The proposals would not unduly affect the character or appearance of the area and, subject to the conditions imposed, can be accommodated without causing harm to the residential amenities of neighbouring occupiers. The proposal accords with the aforementioned policies.

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.

iv) In this case, formal pre-application advice was sought prior to submission of the application.

## **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 11<sup>th</sup> September 2012

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

Relevant Development Management DPD (2012) Policies: DM01, DM02 and DM13

Relevant Planning History:

**Site history for current landparcel :**

33663 - 38 Wentworth Avenue, London, N3 1YL

Case Reference: **F/04117/12**

<b>Application:</b>	Planning	<b>Number:</b>	C/01768/B/00
<b>Validated:</b>	28/01/2000	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	16/05/2000
<b>Summary:</b>	APC	<b>Case Officer:</b>	
<b>Description:</b>	Part single, part two storey side extension. Two storey side extension. Vehicular Access from Wentworth Close to a parking area for 4 cars with additional parking spaces at front. Conversion of dwellinghouse to doctors surgery. (Class D1).		

<b>Application:</b>	Planning	<b>Number:</b>	C/01768/C/01
<b>Validated:</b>	19/07/2001	<b>Type:</b>	S63
<b>Status:</b>	WDN	<b>Date:</b>	21/03/2003
<b>Summary:</b>	WIT	<b>Case Officer:</b>	Clive Townsend
<b>Description:</b>	Removal of Condition 5 of Planning Permission Ref. C01768A dated 20th September 1999 to enable more than two practitioners to practice from the premises at any one time.		

<b>Application:</b>	Planning	<b>Number:</b>	C/01768/D/02
<b>Validated:</b>	22/07/2002	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	21/01/2003
<b>Summary:</b>	APC	<b>Case Officer:</b>	
<b>Description:</b>	Part single, part two storey rear extension to existing surgery.		

<b>Application:</b>	Planning	<b>Number:</b>	C/01768/E/05
<b>Validated:</b>	03/11/2005	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	12/12/2005
<b>Summary:</b>	APC	<b>Case Officer:</b>	Laura Knight
<b>Description:</b>	Single storey rear extension and access ramp to rear.		

<b>Application:</b>	Planning	<b>Number:</b>	C/01768/F/06
<b>Validated:</b>	10/05/2006	<b>Type:</b>	APF
<b>Status:</b>	WDN	<b>Date:</b>	05/07/2006
<b>Summary:</b>	WIT	<b>Case Officer:</b>	Fabien Gaudin
<b>Description:</b>	Alterations to roof including dormers at sides and rear to provide additional space for consulting rooms.		

<b>Application:</b>	Planning	<b>Number:</b>	C/01768/G/06
<b>Validated:</b>	27/06/2006	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	04/08/2006
<b>Summary:</b>	APC	<b>Case Officer:</b>	Fabien Gaudin

**Description:** Alterations to roof including dormers at sides and rear to provide additional space for consulting rooms. Variation of condition 3 of planning permission C01768D/02 dated 21/01/2003 to allow a maximum of 10 practitioners to practise at any one time.

<b>Application:</b>	Planning	<b>Number:</b>	F/00123/12/ENQ
<b>Validated:</b>	29/06/2012	<b>Type:</b>	ENQH
<b>Status:</b>	REG	<b>Date:</b>	
<b>Summary:</b>	DEL	<b>Case Officer:</b>	Neetal Rajput
<b>Description:</b>	Proposed single storey building to rear garden for use as a consultation room for physiotherapy with treatment room to rear.		

### Consultations and Views Expressed:

Neighbours Consulted: 47      Replies: 7  
Neighbours Wishing To Speak 0

- The objections raised may be summarised as follows:
- The proposal would increase traffic to the area.
- The proposal would be an eyesore from the main road.
- The proposal will lead to a loss of privacy to neighbouring gardens
- The proposal will damage neighbouring properties.
- The development will damage the trees in the rear garden.

### Internal /Other Consultations:

Highways - No objection raised

Date of Site Notice: 10 January 2013

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

38 Wentworth Avenue is located on the corner with Wentworth Close and the site is currently used as a doctors' surgery.

### Proposal:

The application seeks planning permission for a single storey outbuilding in the rear for use as a physiotherapy consultation and treatment room. 1 full time and 1 part time member of staff would be employed.

The proposed single storey outbuilding would have a height of 2.5 metres a width of 5.5 metres and extends 8 metres in length.

### Planning Considerations:

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.
- 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.

Policy DM13 states new community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety.

The proposed scheme has been submitted following a request for planning advice (F/00123/13/ENQ), and the scheme has been reduced in height, width and depth to comply with the advice given.

The application site is currently being used for a doctors surgery, however the original dwellinghouse in which the surgery is located has benefited from a number of previous extensions.

The outbuilding is proposed to be sited in the middle of the rear garden approx 3m from the side boundary. The outbuilding has a height of 2.5 metres and marginally projects above the height of the existing boundary fence. The use of the outbuilding will be for a physiotherapy room and the outbuilding is sited approx 6 metres from flank wall of the neighbouring property Number 1 Wentworth Close and does not include any windows on the side elevation. The outbuilding will have a depth of 8 metres and will not project beyond the rear wall of the neighbouring property No. 1 Wentworth Close and this is not considered to have a detrimental impact on neighbouring residential amenities.

The proposal is not considered to significantly affect the character of the area, due to its height of 2.5 metres and would not be unduly dominant in the street scene. Furthermore the outbuilding does not detract from the visual amenities of the neighbouring occupiers and would comply with Class E of the General Permitted Development Order (2008) if the application site were a residential dwelling.

Concerns have been raised in relation to noise and disturbance associated with the use of the outbuilding, however only two employees would use the building and the maximum number of users at one time will be approximately 4 and the outbuilding will only be in use between the hours of 9 am to 5:30 pm Monday to Friday. Conditions are recommended to ensure that the hours of use and the number of users are restricted so the development would not affect the amenities of neighbouring properties.

The proposals would comply with the aforementioned policies and Council Design Guidance and would have an acceptable impact on the character and appearance of the streetscene, site property, general locality and the residential amenity of neighbouring occupiers.

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

The proposal would increase traffic to the area - The property already accommodates three parking spaces within the front forecourt and the scheme does not propose further parking spaces - it is considered that the increase in patients would not significantly increase traffic.

The proposal would be an eyesore from the main road - Addressed in planning considerations

The proposal will lead to a loss of privacy to neighbouring gardens - addressed in planning considerations

The proposal will damage neighbouring properties - Addressed in planning considerations

The development will damage the trees in the rear garden - Addressed in planning considerations.

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

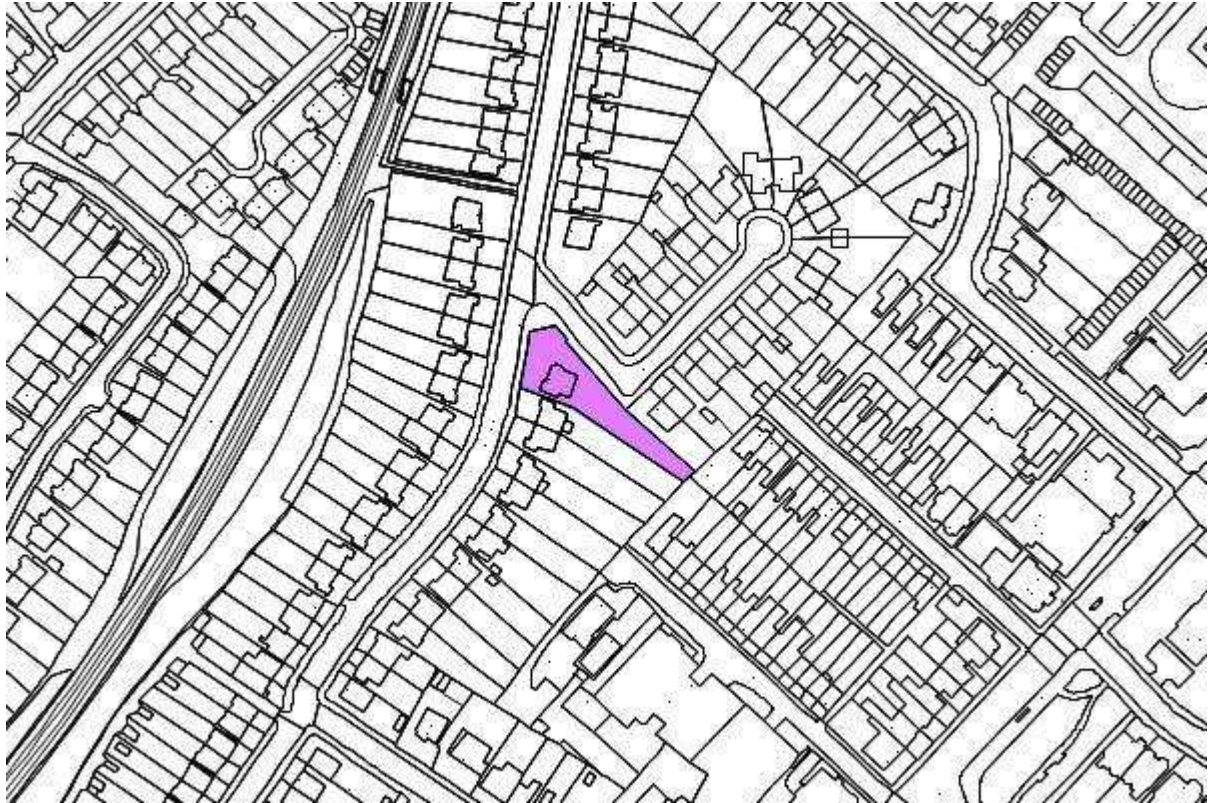
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

#### **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: 38 Wentworth Avenue, London, N3 1YL**

**REFERENCE: F/04117/12**



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