

Location **Phredella House Lodge Hyver Hill London NW7 4HU**

Reference: **16/7731/HSE** Received: 6th December 2016
Accepted: 6th December 2016

Ward: Underhill Expiry 31st January 2017

Applicant: Mr & Mrs P

Proposal: Conversion of garage into habitable room to extend the existing first floor flat and form dwelling. Associated insertion of window and door to replace existing garage door

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. 1448.P.OS Rev B; Drawing no. 1448.P.01 Rev 0 ; Drawing no. 1448.PD.02 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 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 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 Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A,B,C,D,and E of Part 1 of Schedule 2 of that Order shall be carried out within the area of Phredella Lodge as shown on plan 1448.PD.02 Rev A.

Reason: To safeguard the amenities of neighbouring occupiers, the openness of the Green Belt and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fencing or boundary treatment shall be erected between Phredella Lodge and Phredella House without the prior consent of the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring occupiers, the openness of the Green Belt and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

Informative(s):

- 1 In accordance with paragraphs 186 and 187 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 known as Phredella Lodge and is sited within the grounds of a two storey detached dwelling known as Phredella House on the western side of Hyver Hill within the Underhill Ward. The building is a two storey detached building to the north west of Phredella House, used as a garage on the ground floor and a self-contained flat on the first floor.

Hyver Hill is a private single track road accessed from the southbound carriageway of Barnet Way (A1). The road contains 8 detached properties (nine including Phredella Lodge). Phredella Lodge was historically an annexe to the main dwelling however a certificate of lawfulness (reference B/05587/14) was granted as Lawful for the 'retention of the first floor of detached garage building as a separate self-contained residential unit'. Thus, it was the determination of the council that sufficient evidence was provided to determine on the balance of probability that the use of the first floor of the building was lawful as a separate, self-contained dwelling on the date of determination.

Neither the host building nor the adjacent main dwelling on the site, are listed nor does the site lie within an area designated as a Conservation Area. The property is situated on land designated as 'Green Belt' however evidence has been previously submitted that no conditions have been imposed on this property; the original dwellinghouse is a property which benefits from permitted development rights under Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Given that the residential unit at Phredella Lodge is lawful at first floor level only and therefore considered as a flat, this unit does not benefit from permitted development rights.

A certificate of lawfulness was considered unlawful for the conversion of the garage into a habitable room in 2015 under reference 14/07953/192 as the first floor flat does not benefitted from permitted development rights.

Several applications have been submitted under permitted development rights for the extensions and alterations to the main building (Phredella House) including an 8m extension to the main dwelling (14/07988/PNH); roof extensions with an additional volume of 31 cubic metres, new front porch and a side extension (15/00736/192). The site (Phredella House) was granted a certificate of lawfulness (reference 15/02067/192) for three separate outbuildings with a cumulative floor area of approximately 355sqm. Finally, the entire site (including Phredella House and Phredella Lodge) were refused planning permission for the demolition of the buildings and erection of 2no detached dwellings under planning reference 16/4780/FUL.

2. Site History

Reference: 16/4780/FUL

Address: Phredella House And Phredella Lodge Hyver Hill London NW7 4HU

Decision: Refused

Decision Date: 11 October 2016

Description: Demolition of existing dwellings and erection of 2no two-storey dwellings with rooms in roof space. Associated car parking, amenity space and refuse and recycling storage

Reasons for refusal:

Reasons 1- The proposed replacement dwellings would, by reason of their size, bulk and massing be materially larger than the dwellings they would respectively replace. The proposal would therefore represent inappropriate development in the Green Belt and would be harmful to the openness of the Green Belt and would harm the open character or appearance of this part of Hyver Hill. The proposal would be contrary to Policies 7.6, 7.8 and 7.16 of The London Plan (2016), Policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01 and DM15 of the Local Plan Development Management Policies DPD (adopted September 2012), and the Residential Design Guidance SPD (adopted October 2016).

Reason 2- The proposed development by virtue of subdivision of the plot, siting, layout, scale, bulk, height and mass would fail to reflect the spatial pattern of development in the surrounding area, spacing between the proposed buildings themselves and would appear alien with other dwellings on Hyver Hill. The proposal would therefore be detrimental to the character and appearance of the application site and surrounding area, contrary to the National Planning Policy Framework 2012, London Plan 2015 Policy 7.3, Core Strategy Policies CS1 and CS5, Development Management Policy DM01 and the Residential Design Guidance SPD 2016.

Reference: B/05587/14

Address: Phredella House, Hyver Hill, London, NW7 4HU

Decision: Lawful

Decision Date: 11 December 2014

Description: Retention of first floor of detached garage building as a separate self-contained residential unit

Reference: 14/07953/192

Address: Phredella House, Hyver Hill, London, NW7 4HU

Decision: Unlawful

Decision Date: 14 January 2015

Description: Conversion of garage to habitable accommodation with associated internal alterations, replacement of garage door with windows, removal of external staircase and alterations to first floor rear opening

Reference: 14/07988/PNH

Address: Phredella House, Hyver Hill, London, NW7 4HU

Decision: Prior Approval Not Required

Decision Date: 20 January 2015

Description: Single storey rear extension with a proposed depth of 8.0 metres from original rear wall, eaves height of 2.8 metres and maximum height of 3.6 metres

Reference: 15/00736/192

Address: Phredella House, Hyver Hill, London, NW7 4HU

Decision: Lawful

Decision Date: 9 March 2015

Description: Enlargement of existing dormer windows on both side roof slopes and rear roof slope. Single storey side and rear extension. Front porch

Reference: 15/02067/192

Address: Phredella House, Hyver Hill, London, NW7 4HU

Decision: Lawful

Decision Date: 20 May 2015

Description: Construction of one outbuilding containing gym, home office, snooker room and storage, one outbuilding comprising a detached triple garage and one outbuilding containing swimming pool and associated facilities. Associated hardstanding

3. Proposal

Planning permission is sought for the conversion of garage at Phredella Lodge into habitable room with new window and entrance door to replace garage door.

The converted garage will host a living and dining room and as a result would create a two storey dwelling to Phredella Lodge. No other alterations and no extensions are proposed.

4. Public Consultation

Consultation letters were sent to 4 neighbouring properties.

6 responses have been received, comprising 5 letters of objections and 1 letters of support.

The objections received can be summarised as follows:

- Current application seeks to widen possibility of 2 larger individual dwellings being created.
- Overall objective is to get two larger dwellings
- Conditions should be imposed for the Lodge to be used only as ancillary accommodation with Phredella House
- Would facilitate development that would have detrimental impact on the Green Belt.
- Should not result in a standalone building that would result in urban sprawl

The representations received can be summarised as follows:

- No objection to the planning application.

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 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 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, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM15, DM17.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Impact on the Green Belt
- 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

Section 9 of the National Planning Policy Framework (NPPF) sets out the Government's approach to protecting Green Belt Land, and the Council's Planning Policy DM15 of the Core Strategy reiterates the NPPF's requirements.

The NPPF sets out in Paragraph 80 that the Green belt serves the following principles: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Policy DM15 of the Development Management Policy DPD reiterates the NPPF's requirements and states that development in the Green Belt will only be acceptable where the replacement or re-use of buildings will only be permitted where they would not have an adverse impact on the openness of the area or the purposes of including land in Green Belt or MOL. The Residential Design Guidance SPD sets out that within Barnet's Green

Belt, development should not result in disproportionate addition over and above the size of the original house.

In terms of the impact of the proposal on the openness of the area, the NPPF makes it clear that an essential characteristic of Green Belts is their openness. Open means the absence of development, irrespective of the degree of visibility of the land in question from public vantage points. The proposal would not result in any additional built form on the site and therefore the conversion would not result in a building that is materially larger than the existing building.

The applicant has advised that the garage is used as storage for both Phredella Lodge and Phredella House. As the proposed conversion would result in a two storey dwelling with access to the garden, the property would benefit from permitted development rights, which could involve extensions to the Lodge itself and additional outbuildings, which in turn would result in additional built form on the site. Officers consider that if permitted development rights are implemented, the extensions could not only be disproportionate to the Lodge, but could also cause demonstrable harm to the openness of the Green Belt. Therefore whilst the conversion of the garage itself would not be detrimental to the Green Belt, a condition has been added to remove permitted development rights to the Lodge to prevent additional built form which would not require planning consent.

Furthermore, as mentioned above, the Lodge at present reads as an ancillary building to the main dwelling. It is therefore considered necessary to also add a condition to prevent the erection of boundary fencing in the future between the two buildings, which otherwise would be allowed without planning consent. The formal subdivision of the site would not only be considered to be detrimental to both the character of the area, which is comprised of large plots, but also the openness of the Green Belt. This would ensure that the Lodge still reads as an ancillary building to the main dwelling despite the lawful use being a self-contained unit.

It is therefore considered that the proposal, subject to the conditions recommended, would represent an appropriate development within the Green Belt.

The conversion of the existing garage into habitable space is considered to comply with Barnet's Residential Design Guidance SPD; the design of the original building is reflected, adequate parking space remains and it is not considered to cause undue harm to the streetscene. The proposed fenestration is in keeping with the existing windows and the siting of these at the front would not result in any detrimental overlooking to neighbouring properties.

The development is not considered to have an adverse impact on the amenities of neighbouring occupiers and is not considered to detract from the established character and appearance of the property and surrounding area.

5.4 Response to Public Consultation

"Current application seeks to widen possibility of 2 larger individual dwellings being created" , "Overall objective is to get two larger dwellings" & "Would facilitate development that would have detrimental impact on the Green Belt"- The submitted application relates solely to the conversion of the garage into a habitable room. It is not considered justified to refuse the current application on any future development proposed on the site. A suitable

condition has been added to prevent Phredella Lodge being extended under permitted development rights due to concerns on the Green Belt discussed in the report above.

"Conditions should be imposed for the Lodge to be used only as ancillary accommodation with Phredella House". The first floor at Phredella Lodge has been considered to have a lawful use as a self-contained unit, therefore is lawfully independent of the main dwelling. The same would apply to the converted garage hereby recommended for approval, which would result in a two storey dwelling. Notwithstanding this, a condition is recommended to prevent the formal subdivision of the plot.

"Should not result in a standalone building that would result in urban sprawl"- As above. The proposal does not seek any additional built form on the site.

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, the Green Belt 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.



OS MAP
SCALE 1:1250

