

Location **33 Puller Road Barnet EN5 4HG**

Reference: **17/6666/FUL** Received: 19th October 2017
Accepted: 2nd November 2017

Ward: High Barnet Expiry 28th December 2017

Applicant: Mr Paul Bezzant

Proposal: Conversion of single storey ancillary out-building to a self-contained unit
incorporating a single storey side extension

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

318-PL-01 Rev J - Site Plan
318-PL-02 Rev J - Block Plan
318-PL-03 Rev P - Existing Ground Floor Plan with Proposed Side Extension
318-PL-04 Rev K - Existing Roof Plan with Proposed roof Plan to Side Extension
318-PL-05 Rev L - Existing Elevations with Proposed Side Extensions
318-PL-06 - Site Plan
Design and Access Statement
Sustainability Statement
Daylight Letter, David Maycox & Co, 12th September 2017

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 Before the development hereby permitted is first occupied or the use first commences the parking space and turning area shown on Drawing No. 318-PL-03 Rev P shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

- 5 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 6 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 7 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission

Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 8 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 - F of Part 1 of Schedule 2 of that Order shall be carried out within the curtilage of the dwellings hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers and the general locality, having regard to the existing rearward projection of the approved dwellings and their relationship with the neighbouring buildings, in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf
2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.
3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Please visit
<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>
for further details on exemption and relief.

- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from:
<http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 4500.

Officer's Assessment

1. Site Description

The application site comprises an existing 'L' shaped single storey detached building with a hip, crown roof located to the southeast of Puller Road, to the rear gardens of nos. 27-33 Puller Road with vehicular and pedestrian access via the northwest side of the main dwellinghouse to no. 33 Puller Road.

The building has a footprint of 51m², measuring a width of 12.4m, a depth of 4.6m widening to 5.5m and a height of 3.8m and an eaves height of 2.8m.

Puller Road is residential in character characterised by two storey 'L' shaped terraced single family dwellinghouses sited close to the back edge of the pavement, creating a strong building line frontage. The properties have narrow deep rear gardens, some 26m in length. The gardens of No's 27-31 are shorter in length as a result of the rear garden of the application site wrapping around the rear.

No. 33 Puller Road is one of an anomaly in the road in that; it has spacing to the side, which is some 2.3m wide, up to the boundary. The road is narrow with no parking provision for the properties facing onto Puller Road.

The existing dwellinghouse fronting onto Puller Road has extensions in the form of a single storey and two storey rear extensions with a rear dormer and railings.

Planning permission has been allowed on appeal for a single storey outbuilding to be used as a garage/store under ref: B/01468/13 measuring a depth of 5.5m, a width of 12m with a hip roof at a height of 3.8m with two obscure glazed windows in the rear elevation facing the shared boundary with the bungalow at no. 26 Sebright Road.

Planning permission was refused in Jan 2014 under Ref: B/05212/13 for a single storey rear building in the rear garden to be used as a one bed self-contained unit of accommodation.

Planning permission was refused in August 2016 under Ref: 16/1550/FUL for conversion of ancillary building to a self-contained unit incorporating a single storey side extension. The application was then dismissed at appeal in March 2017.

The property is not listed and is not located within conservation area.

2. Site History

Reference: 16/1550/FUL

Address: 33 Puller Road, Barnet, EN5 4HG

Decision: Refused and dismissed at appeal

Decision Date: Refused 19 August 2016, Appeal dismissed 2nd March 2017

Description: Conversion of ancillary building to a self-contained unit incorporating a single storey side extension

Reasons for refusal:

1. The proposed single storey self contained dwellinghouse in the rear garden of the existing dwellinghouse at the rear of no. 33 Puller Road would be inappropriate and by reason of its design, size and siting would be out of context, introduce a feature detrimental to the established and prevailing character of the area, and as such would detract from the character and appearance of the area contrary to policies DM01 of the Development Management DPD, 2012, policy CS5 of the Barnet Core Strategy DPD, 2012 and the Supplementary Planning Document: Residential Design Guide, 2013 and with the relevant parts of the National Planning Policy Framework, 2012.

2. The layout and siting of the residential dwellinghouse would result in a poor standard of environment for future occupiers of the dwelling contrary to policy DM01 and DM02 of the Development Management DPD, 2012, policy CS5 of the Barnet Core Strategy DPD 2012, and the Supplementary Planning Document: Sustainable Design and Construction (April 2013), the Residential Design Guide, 2013 and with the relevant parts of the National Planning Policy Framework, 2012

3. The proposal does not provide adequate private usable amenity space for the existing dwellinghouse at No. 33 Puller Road which would be detrimental to the residential amenities of the occupiers of the existing dwellinghouse contrary to policies DM01 and DM02 of the Development Management Policies, DPD, policy CS5 of the Barnet Core Strategy DPD, Sustainable Design and Construction, 2013 Supplementary Planning Document, Residential Design Standard, 2012 Supplementary Design Document and the National Planning Policy Framework.

Details of the dismissed appeal are set out in the 'Assessment of Proposals' section below.

Reference: B/05212/13

Address: 33 Puller Road, Barnet, EN5 4HG

Decision: Refused

Decision Date: 24 January 2014

Description: Construction of single storey rear outbuilding for use as granny annexe ancillary to the existing house.

1. The proposed single storey self-contained dwelling comprising a separate entrance, fully fitted kitchen, bathroom and living room in the rear garden of the existing dwellinghouse at No. 33 Puller Road would be inappropriate and by reason of its design, size and siting would be out of context, introduce a feature detrimental to the established and prevailing character of the area, and as such would detract from the character and appearance of the area contrary to Policies DM01 and DM02 of the Barnet Local Plan Development Management Policies (Adopted) 2012, Policy CS1, CS4 and CS5 of the Barnet Local Plan Core Strategy (Adopted) 2012 and the draft Supplementary Planning Document 'Residential Design Standards' (November 2012).

2. The proposal does not provide adequate private usable amenity space for the existing dwellinghouse at No. 33 Puller Road which would be detrimental to the residential amenities of the occupiers of this existing dwellinghouse contrary to policy CS5 of the Barnet's Local Plan (Core Strategy) DPD and policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD (both adopted September 2012) and SPD: Sustainable Design and Construction (April 2013).

Reference: B/01468/13

Address: 33 Puller Road, Barnet, EN5 4HG

Decision: Refused

Decision Date: 26 June 2013

Description: Erection of detached building in rear garden to be used as a garage and store.

Reference: B/00345/13

Address: 33 Puller Road, Barnet, EN5 4HG

Decision: Approved subject to conditions

Decision Date: 8 May 2013

Description: Retention of part single, part two-storey rear extension, with juliet balcony to rear dormer and raised patio and railings.

Reference: B/02701/12

Address: 33 Puller Road, Barnet, EN5 4HG

Decision: Refused

Decision Date: 10 September 2012

Description: Erection of a dwelling house in rear garden.

Reference: B/03366/12

Address: 33 Puller Road, Barnet, EN5 4HG

Decision: Approved subject to conditions

Decision Date: 19 October 2012

Description: Part single, part two storey rear extension.

Reference: B/02024/12

Address: 33 Puller Road, Barnet, EN5 4HG

Decision: Refused

Decision Date: 8 August 2012

Description: Part single, part two storey rear extension.

Reference: B/02023/12

Address: 33 Puller Road, Barnet, EN5 4HG

Decision: Lawful

Decision Date: 25 June 2012

Description: Extension to roof including rear dormer to facilitate a loft conversion

3. Proposal

The application seeks consent for the subdivision of the site of no. 33 Puller Road and the conversion of the existing rear outbuilding into a one bed self-contained residential unit of accommodation comprising of a bedroom, lounge/kitchen and shower room and a single storey side extension to southwest of the site to provide a box shaped bay window measuring a depth of 1.5m, a width of 3.1m with french doors leading into the garden area enclosed by some 2.0m high close board fencing. Amenity space is sited to the southeast of the building leading from the french doors of the lounge and has an area of some 47.0m².

One car parking space would be provided within the front forecourt of the property with access via the side 2.3m wide access to the side of no. 33 Puller Road which would provide both pedestrian and vehicular access to the proposed dwelling.

The building is fenced off and separated from the existing dwellinghouse facing directly onto Puller Road located towards the far north-east boundary of the site which abuts the rear garden of No. 35 Puller Road on the north side, rear garden of Nos. 22 to 28 Sebright Road on the west side and rear gardens of Nos. 27 to 33 Puller Road on the east side and rear garden of No. 25 Puller Road on the south side.

The building is set-away 0.4m from its north boundary, 6.5m from its south boundary, 1.2m from its east boundary and between 0.9m to 1m from its west boundary.

The current proposal is as described above and is the same as the refused / dismissed scheme (16/1550/FUL) but with the following changes:

- Shower room re-positioned internally
- New bedroom window added to east elevation (in place of existing faux garage door)
- New rooflight added to bedroom
- New living room window added to east elevation
- Additional rooflight added to living room (increasing from 2 to 3)
- Boundary fence with No. 33 re-positioned in order to increase the amount of amenity space for 33 Puller Road by 5 sq m to 55 sq m.
- New drawing 06 provided showing distance between facing habitable room windows

4. Public Consultation

Consultation letters were sent to 88 neighbouring properties. Neighbours were re-consulted on the amended drawings received 11th January 2018.

On 11th January 2018 amended drawings were received from the applicant's agent (01 Rev J, 02 rev J, 03 Rev P, 04 Rev K, 05 Rev L, new drawing 06.). Neighbours were re-consulted on the amended drawings.

16 responses have been received, comprising 16 objections which raise the following concerns:

- o Puller Road is a very narrow and highly populated road. It already creates issues ranging from garbage disposal to parking problems for residents. The road would not be able to sustain any additional new residential development.
- o The proposal would result in a loss of existing garden, the access road to the proposed "parking/turning area" is very narrow and therefore any passing vehicles would be too close to the window of 33 Puller Road.
- o The proposed development would result in loss of light, privacy, outlook and view; cause overshadowing and overlooking problems for the occupiers of neighbouring residential properties.
- o The development would result in increased noise and parking problems
- o Density of housing and population
- o It is a money making exercise
- o The proposal is too large; it significantly reduces the size of the garden and would be out of keeping with the character of the area.
- o It would set bad precedent in the area
- o As a residential building, it will only get bigger.
- o Owner continually floating the law, no interest in the street
- o Development spoils the gardens; ruin the quiet and green nature of puller Road

- o The development in Sebright Road was already developed land and can't be used as a precedent.
- o Puller Road not meant to be a high density housing development
- o Since the outset of this development, the owner has attempted to obtain various planning permissions for a driveway. The applicant has carefully orchestrated the development at every stage with the sole interest of building a dwelling
- o Applicant has a build it first and apply for retrospective permission seems to be a rapidly increasing trend. Urge you to stand against inconsiderate and get rich quick developers.
- o Open flood gates for applicant to build inappropriate dwellings at the bottom of garden throughout the borough.
- o The development is squeezed into a comparatively small, very tight space up against the boundary fences of 4 neighbour's gardens and resulting in overlooking.
- o Cars driving up and down the side access resulting in an intrusive disturbance and nuisance.
- o Property is not a flat but a detached bungalow. Floor standards and amenity space standards should be based on a house and not a flat and the proposals do not comply in either respect
- o Outlook from the bedroom is unacceptable as it looks directly onto a 2.4m close boarded fence
- The access road will cause noise and disturbance to adjoining properties either side of the access drive fronting Puller Road.
- The property is sited approximately 7m from the property at 26 Sebright Road and would result in noise and disturbance to this dwelling
- There is insufficient turning space within the site to allow a car to "Enter" and "Exit" in a forward gear.

4.1 Internal Consultation

None

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.

Draft London Plan 2017

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

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, CS4, CS5, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM17,

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 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 make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted 2016)

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

The Council's Residential Design Guidance SPD was adopted in 2016. This sets out information for applicants to help them design an extension to their property and new build development 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 and new build developments 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 Sustainable Design and Construction SPD in 2016, 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.

The Council's Supplementary Planning Document: Adopted Residential Design Guidance is divided into four parts:

- o Part 1 sets out the context for residential design in Barnet providing, local design principles which reflect and contribute to the understanding of Barnet's suburban character.
- o Part 2 sets out general guidelines for new residential development as well as amenity and space standards. This document provides advice on privacy and overlooking, minimum room sizes, good building layout, provision of gardens, outdoor play space requirements.
- o Part 3 sets out the requirements and design criteria related to changes to the existing housing stock within Barnet.
- o Part 4 includes/provides supporting information including references, useful web links and the glossary list.

The SPD supplements policies contained within the Local Plan and the London Plan which together form the Development Plan for Barnet. The SPD is therefore a material consideration for decisions on planning applications. It has been prepared in line with the requirements of the Planning and Compulsory Purchase Act 2004 and associated regulations and guidance on Supplementary Planning Documents.

5.2 Main issues for consideration

The main issues in this case are considered to be as follows:

- Planning history of the site, including appeal decision dismissing appeal against refused scheme 16/1550/FUL
- Principle of residential development
- Whether harm would be caused to the character and appearance of the existing building, the surrounding area, street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Living conditions for future occupiers

5.3 Assessment of proposals

Planning history of the site, including appeal decision dismissing appeal against refused scheme 16/1550/FUL

Application 16/1550/FUL was refused by the Local Planning Authority on 18th August 2016. The subsequent appeal was dismissed on 2nd March 2017.

Although the appeal was dismissed, the Inspector's Decision Report forms a material planning consideration for the current application.

Key extracts from the Planning Inspector's Report are as follows:

Living conditions - future occupiers:

Paragraph 4 - "The Council has confirmed that the 1 bed dwelling would comply with the internal space standards as detailed within The London Plan 2015. In addition, from observations made during my site visit I consider that the proposal, both externally and internally is finished to a high standard."

Paragraph 5 - "The dwelling has three main windows, two on the rear elevation in the bedroom and lounge and full height glazed patio doors in side elevation. Two roof lights are located above the lounge/kitchen area. The outlook from the bedroom window and lounge window on the rear elevation is that of the southern rear boundary which consists of a close boarded wooden fence. The distance from the windows to this fence line is approximately 0.9 - 1.2 metres. On this basis I consider that given the lack of outlook, future occupiers would experience a sense of enclosure and claustrophobia."

Paragraph 6 - "Turning my attention to the provision of amenity space, the London Borough of Barnet Local Plan Supplementary Planning Document: Sustainable Design and Construction 2013 (the SDC) acknowledges the value and provision of outdoor amenity space with regards to protecting and improving the living standards of residents, as well as contributing to maintaining and enhancing the wider character of the borough. For houses, such amenity space should be provided in the form of individual rear gardens. The SDC also acknowledges that dwellings with insufficient garden or amenity space are unlikely to provide good living conditions for future occupiers."

Paragraph 7 - "At 47 m² the outdoor amenity space exceeds the minimum space requirements as detailed within the SDC. Nonetheless, Table 2.4 of the SDC and paragraph 7.3 of the London Borough of Barnet Local Plan Supplementary Planning Document: Residential Design Guidance (the RDG) both state that in new residential development there should be a minimum distance of 10.5 metres to a neighbouring garden. However, shorter distances may be acceptable between new build properties where there are material justifications."

Paragraph 8 - "Although the amenity space only has a depth of approximately 6.5 metres, the eastern boundary is approximately 20 metres from the nearest dwelling on Puller Road. Accordingly, despite a technical breach of the guidance, I find that the proposal would not significantly harm the level of privacy experienced by future occupiers."

Paragraph 9 - "Despite finding no harm in terms of privacy, I find that the proposal would be harmful to the living conditions of future occupants with particular regard to outlook. As such it is contrary to the amenity requirements of Policies DM01 and DM02 of Barnet's Local Plan - Development Management Policies, Development Plan Document (2012) (the DMP), Policy CS5 of Barnet's Local Plan - Core Strategy, Development Plan Document (2012) (the CS) and guidance contained within the SDC and RDG. Furthermore, the proposal would also run contrary to the National Planning Policy Framework's (the Framework) core planning principle of seeking to secure a good standard of amenity for occupants of land and buildings."

Living conditions - existing dwelling at 33 Puller Road:

Paragraph 10 - "A matter of dispute exists between both parties with regards to the number of habitable rooms within No 33 and therefore the minimum amount of amenity space required. From my observations made during my site visit, I accept that one of the rooms on the upper floor is compact. I also acknowledge the measurements provided by the appellant which state that this room measures 5.2 m² and therefore falls to meet the SDC minimum requirements for a single bedroom, which is 8 m². The Council contend that the floor plans relating to the planning application for No 33 depict 6 habitable rooms. However, I have no reason to doubt the measurements and therefore I consider No 33 to have 5 habitable rooms for the purpose of this appeal."

Paragraph 11 - "Accordingly, Table 2.3 of the SDC requires 55 m² of outdoor amenity space to be provided for up to 5 habitable rooms. The proposal before me would provide 50 m² and therefore there is a shortfall of 5 m²."

Paragraph 12 - "Despite this shortfall the appellant contends that the adequate amenity space would be provided. It has been put to me that had the ground floor extension not been built then the shortfall would not have occurred. Furthermore, the appellant contends that the bi-folding doors bring the garden into the kitchen area and would mitigate any confined effect resulting from the level of amenity space."

Paragraph 13 - "Nevertheless, these factors do not overcome my concerns that the proposed amenity space is inadequate for the size of dwelling. Consequently, the proposal would fail to provide a level of private outdoor amenity space that could reasonably be expected in the context of such a development. A view which was also shared by the Inspector in relation to the appeal decision determined in 2013. I therefore find that the proposal would cause significant harm to the living conditions of the occupiers of No 33 contrary to Policies DM01 and DM02 of the DMP, Policy CS5 of the CS and guidance contained within the SDC, the RDG and the Framework. When taken together these policies and guidance seek, amongst other things, to ensure new development provides a good standard of residential amenity for occupants of buildings."

Character and appearance:

Paragraph 14 - "The appeal site is located to the rear of 33 Puller Road and is an 'L' shaped single storey detached dwelling. The wider area is characterised by predominately residential dwellings consisting mainly of two storey terraced dwellings. The majority of the dwellings appear to have lengthy, narrow rear gardens with many having sheds and small outbuildings. I further note that the previous condition of No 33 and the associated land was in a poor condition and enforcement action was issued by the Council on the previous owner requiring the condition to be improved. Significant improvements have been made by the current owner to both No 33 and the associated land and outbuilding."

Paragraph 15 - "Located approximately 6 metres from the boundary of the appeal site is 26 Sebright Road which is a single storey dwelling. From my site visit No 26 appears to have accommodation located within the pitched roof space and is noticeably taller than the appeal proposal. As such, given the lower height and pitched roof I do not find that the appeal proposal represents an overly dominant or intrusive feature within the locality."

Paragraph 16 - "The appeal decision already referred to in 2013 was for the erection of a two storey dwelling on the site. In this instance, the Inspector found that the proposal

would be out of scale with the surrounding environment and, due to the proposed height, would be unduly dominant."

Paragraph 17 - "Nevertheless, given the location of the dwelling to the rear of No 33 and its reduced height, views of it from within the public realm are extremely limited. In addition, views of the dwelling from the rear of surrounding dwellings already exist. As such, the subdivision of the site and the conversion of the existing rear outbuilding into a one bed self-contained residential dwelling would result in very minimal change to the existing character and appearance of the surrounding area."

Paragraph 18 - "I accept that the proposal is not typical within the locality. However, I am not convinced that the proposal would represent such substantial harm to the character and appearance of the surrounding area to warrant refusal. I consider that the minimal scale and set back location is sufficient to override any limited material harm to the character of the surrounding area which may result. I am therefore of the view that the balance of the arguments put to me are in favour of the proposal meeting the design objectives of Policy DM01 of the DMP, Policy CS5 of the CS and guidance contained within the SDC, the RDG and the Framework."

Inspector's Conclusion:

Paragraph 19 - "Despite finding no harm in regard of character and appearance, the harm I have found to the living conditions of both the future occupiers and the occupiers of No 33 is decisive. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed."

Principle of residential development

At Paragraphs 17 and 18 of her report, the Inspector concludes that she does not consider that the subdivision of the site and conversion of the existing rear outbuilding into a one bed self contained residential dwelling would represent such substantial harm to the character and appearance of the surrounding area to warrant refusal.

As such the principle of residential development is considered to be acceptable in this case.

Whether harm would be caused to the character and appearance of the existing building, the surrounding area, street scene and the wider locality

The National Planning Policy Framework (NPPF) encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed provided that it is not of high environmental value.

Policy 3.4 of The London Plan (2016) promotes the optimisation of housing output within different types of location.

Policy 3.8 of The London Plan also encourages the Council to provide a range of housing choices in order to take account of the various different groups who require different types of housing. Consideration will also be given to the accessibility of the site to services and amenities.

Having regard to the London Plan (2016) and the Council's policies and guidelines, it is considered that the proposal would provide an increase in smaller housing stock within the Borough.

The NPPF attaches great importance to the design of the built environment, stating,

"good design is a key aspect of sustainable development...and should contribute positively to making places better for people". It stresses the need to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings and smaller developments like the proposed development. While it states that local authorities should not impose architectural styles or particular tastes, it reinforces that it is also important to consider local character and distinctiveness. In addition, it states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

The Council's approach to development as set out in Policy DM01 is to minimise its 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 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 make a positive contribution to the borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

This application seeks permission for the ancillary rear outbuilding to the main dwellinghouse (allowed on appeal) to be used as a separate one bed self contained residential unit.

As set out above, the principle of the use of the outbuilding for residential accommodation is considered acceptable.

The application site is in a predominantly residential area characterised by terraced and closely spaced pairs of two storey houses forming more or less continuous built frontage to consistent building lines. The back gardens are reasonably deep and consequently there is an extensive area of mainly open land, divided into many narrow gardens, enclosed from the public highway by the surrounding frontage development. The gardens are interspersed with sheds and small outbuildings, typical of those found in many residential gardens environments.

The application site has an 'L' shaped layout, comprising much of the back garden of no. 33 Puller Road together with a strip of land running across the ends of the gardens of no's 27-31 Puller Road. The application site is currently fenced off and separated from no. 33 Puller Road with access through the existing 2.3m wide access located at the side of no. 33 Puller Road.

At Paragraph 15 of her report, the Inspector compares the proposed development to an existing single storey dwelling at the neighbouring 26 Sebright Road, noting that, that property is noticeably taller than the appeal proposal, concluding that the appeal proposal does not represent an overly dominant or intrusive feature within the locality. The Inspector goes on to find, in Paragraphs 17 and 18, that the proposal would not result in such substantial harm to the character and appearance of the area to warrant refusal.

The proposal has been amended in the following ways compared to the scheme dismissed appeal scheme considered by the Inspector:

- Shower room re-positioned internally
- New bedroom window added to east elevation (in place of existing faux garage door)
- New rooflight added to bedroom
- New living room window added to east elevation
- Additional rooflight added to living room (increasing from 2 to 3)
- Boundary fence with No. 33 re-positioned in order to increase the amount of amenity space for 33 Puller Road by 5 sq m to 55 sq m.
- New drawing 06 provided showing distance between facing habitable room windows

It is not considered that these changes are significant enough to depart from the conclusions of the Inspector on Character and Appearance matter and as such the proposal is considered to be acceptable in this regard.

Whether harm would be caused to the living conditions of neighbouring residents

The refused/dismissed scheme was not found to have any unacceptable impact on the amenity of occupiers of neighbouring properties, other than the amount of outdoor amenity space available to the occupants of 33 Puller Road.

At Paragraphs 10 to 13 of her report, the Inspector concludes that 33 Puller Road has 5 habitable rooms and as such should have 55 sq m of outdoor amenity space.

The amended scheme resolves this issue by re-positioning the existing boundary fence line to give an additional 5 sq m of amenity space back to the garden of 33 Puller Road.

This is now considered to comply with the Council's standards and overcomes the concerns raised by the Inspector.

The new bedroom window added to east elevation in place of existing faux garage door is over 21m from the nearest facing habitable room windows and as such no loss of privacy would arise. Similarly the new living room window is over 21m away from the nearest habitable room windows and in any case would be behind a close boarded timber fence.

Living conditions for future occupiers

The refused/dismissed scheme was found to be unacceptable in terms of standard of outlook enjoyed by future occupiers.

At Paragraph 5 her report the Inspector states:

- "The dwelling has three main windows, two on the rear elevation in the bedroom and lounge and full height glazed patio doors in side elevation 21. Two roof lights are located above the lounge/kitchen area. The outlook from the bedroom window and lounge window on the rear elevation is that of the southern rear boundary which consists of a close boarded wooden fence. The distance from the windows to this fence line is approximately 0.9 - 1.2 metres. On this basis I consider that given the lack of outlook, future occupiers would experience a sense of enclosure and claustrophobia."

The current scheme proposes the following amendments in order to address outlook concerns:

- New bedroom window added to east elevation (in place of existing faux garage door)
- New rooflight added to bedroom
- New living room window added to east elevation
- Additional rooflight added to living room (increasing from 2 to 3)

Whilst the new bedroom window would look out onto the close boarded fence, sliding gate 8 metres away, this would provide a reasonable level of outlook to the bedroom and its introduction is considered to overcome previous concerns. The additional rooflight to the bedroom will also provide additional natural light, helping to further reduce the sense of enclosure and claustrophobia referred to by the Inspector.

An additional window and an additional rooflight are proposed to the living area. Whilst it is acknowledged that the new window will look out onto a close boarded fence in close proximity (1.3m away) it is considered that, cumulatively, the new window and rooflight will introduce additional natural light sufficient to overcome the sense of enclosure and claustrophobia referred to by the Inspector. It is also the case that the living area enjoys a reasonable level of outlook from its rear patio door looking onto the amenity space. The 47 sq m of outdoor amenity space proposed has previously been found to be acceptable by both the Local Planning Authority and the Planning Inspector.

It is considered that the proposed development has overcome previous concerns relating to outlook and would now provide acceptable living conditions for future occupiers.

Parking, Access and Turning Area

One off-street car parking space is shown for the one bed residential unit. This is in accordance with the requirements of policy DM17. A vehicle could turn within the site and the site has a 2.3m wide vehicular access. This arrangement is considered to be acceptable.

5.4 Response to Public Consultation

Addressed elsewhere in this report

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set out in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

It is considered that the proposed development has addressed the concerns of the Planning Inspector in relation to outlook and amenity space and as such is now acceptable.

Recommended for Approval.

