

Location **8 Heathfield Gardens London NW11 9HX**

Reference: **19/3286/RCU**

Received: 11th June 2019

Accepted: 1st July 2019

Ward: Golders Green

Expiry 26th August 2019

Applicant: Mr A Nejabat

Proposal: Erection of a single storey outbuilding. Creation of two side walls, door and window in side elevation, two rear brick columns. Insertion of door at rear at first floor level and juliette balcony. (Retrospective Application)

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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:
201906/8HG/01 Pre-existing floor plans
201906/8HG/02 Pre-existing elevations
201908/8HG/S1 Location and block plans
201910/8HG/0B/01 Pre-existing, Existing and Proposed Plans dated Oct 2019, received with annotation 08/10/2019
201910/8HG/0B/02 Proposed rear and side elevations dated Oct 2019

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 The use of the outbuilding hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit or dwelling.

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

3 a) Within three months of the date of the hereby approved development, details of the proposed green roof shall be submitted to and approved in writing by the Local Planning Authority.

b) The green roof shall be implemented in accordance with the details approved in this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

4 The roof of any of the extensions hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

Informative(s):

1 In accordance with paragraphs 38-57 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 relates to a two storey semi-detached single family dwellinghouse located on Heathfield Gardens; a residential road which lies within the Golders Green ward. The dwelling is not listed and is not located within a conservation area.

2. Site History

Ref: 18/2386/RCU

Proposal: Erection of conservatory to rear. Erection of rear outbuilding (Retrospective Application)

Decision: Refuse

Date: 05.07.2018

Ref: 16/5402/HSE

Proposal: Single storey rear extension and alterations.

Decision: Approve subject to conditions

Date: 21.09.2016

Ref: 16/7124/192

Proposal: Erection of outbuilding to rear of property following demolition of existing outbuilding

Decision: Lawful

Date: 16.11.2016

Ref: C04621

Proposal: a single-storey rear extension

Decision: Approved subject to conditions

Date: 8 August 1973

Ref: C04621A

Proposal: Single storey rear extensions.

Decision: Approved subject to conditions

Date: 24 April 1985

3. Proposal

Erection of a single storey outbuilding (5.3m x 3.0m x max. 3.1m high). Creation of two side walls, door and window, two rear brick columns and insertion of door at rear at first floor level and Juliette balcony. (Retrospective Application)

4. Public Consultation

Consultation letters were sent to 5 neighbouring properties. 5 responses have been received, comprising 5 letters of objection.

The objections received can be summarised as follows:

- Loss of privacy
- Impact on views
- Overhanging gutters onto property
- Blocks light
- Height and size bigger than pre-existing outbuilding
- The extension is built over adjacent land

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 revised National Planning Policy Framework (NPPF) was published on 19th February 2019. 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. 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.

The London Plan is currently under review. 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 adopted 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, CS5.
- Relevant Development Management Policies: DM01, DM02.

The Council's approach to development as set out in Policy DM01 is to minimise the 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 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:

- 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

Impact on the character of the area

The history of building and additions on this small residential site is complex. However, the issue for consideration is as to whether the amendments following the refusal ref 19/2386/RCU are adequate enough to justify their retention. Further to this, an appeal against an enforcement notice was dismissed 17th January 2019 (Appeal ref: 3200497. The breach of planning control as alleged in the notice is:

- 1) The construction of a single storey outbuilding in the rear garden.
- 2) The construction of a brick and plastic canopy extension linking the outbuilding to a pre-existing single storey rear extension.
- 3) The installation of railings on the roof of the pre-existing extension and of a door at first floor level to provide a roof terrace.

There are therefore essentially three elements to the works at the rear. They are the single storey full width rear extension, the elements retained following the partial removal of the conservatory and thirdly the outbuilding (formerly the garage) now in use as a gym for the property.

The single storey pre-existing rear extension remains essentially as built. The former railings at first floor level have been removed and a Juliette balcony is proposed off the rear first floor bedroom. This is considered acceptable as it is flush with the façade and does not materially add to clutter at the first floor level. A condition will secure the use of the roof for maintenance and access only.

The conservatory structure (the brick and plastic roof construction) has been removed although some elements including corner brick piers and an arch across the garden remain. There is still a degree of clutter and certainly little sense of spaciousness. However, on balance, the retained structure is considered acceptable and not unduly harmful to the character and appearance of the locality.

The third element is the rear outbuilding which is retained and in use as a gym. It has dimensions of 5.3m long x 3.0m wide. Its height varies depending on adjoining ground level but is a maximum of 3.1m. The current proposal would add a sedum (brown green) roof which would improve it visually when viewed from upper floors around the site.

Impact on the amenities of neighbours

No. 8 is a semi-detached property and the existing outbuilding abuts a similar outbuilding at no. 10 which has a shared driveway. Given the fact the the 2 properties are separated

by the driveway, it is considered that the existing development does not have a harmful impact on the amenity of occupiers at no. 10.

The adjoining property at no. 6 Heathfield Gardens lies to the east of the existing single storey rear extension. No. 6 has not been extended. Following the removal of the rear conservatory structure on the shared boundary, it is considered that the remaining wall of 2m in height plus trellis does not appear overbearing or create an increased sense of enclosure to the detriment of the amenities of occupiers at no. 6 Heathfield Gardens.

The existing outbuilding is sited at the end of the rear garden. As this is a retrospective planning application, the size of the existing outbuilding is considered modest and appears subordinate to the main house and adjacent outbuilding at no 10. The outbuilding is sited approximate 10m from the rear elevation of no 38 Western Avenue and given this sufficient distance of 10m, it is considered that the outbuilding does not result in any loss of light to the detriment of the amenity of occupiers at no 38 Western Avenue. There are no amenity concerns regarding the existing outbuilding.

In conclusion, the existing situation with the removal of the conservatory and extraneous detail should ensure that the retained structures do not appear overbearing nor create a sense of enclosure to the detriment of the amenities of occupants at no 6.

5.4 Response to Public Consultation

The alterations to the structure in the rear garden and the removal of the use of the roof of the first floor rear extension are considered, on balance, to be sufficient enough to ensure neighbour amenity is not unreasonably harmed.

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

The proposal is considered, on balance, to accord with the requirements of the Development Plan and is therefore recommended for approval.

