

Location **7 Selvage Lane London NW7 3SS**

Reference: **20/3524/HSE** Received: 31st July 2020
Accepted: 31st July 2020

Ward: Hale Expiry 25th September 2020

Applicant: Meytal Stirling

Proposal: Erection of a rear outbuilding for use as home office/gym/playroom
(AMENDED DESCRIPTION)

OFFICER'S RECOMMENDATION

Refuse

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 their absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The proposed outbuilding, by virtue of its size, height and siting, would constitute a disproportionate intervention, incongruous to the prevailing pattern of development and detrimental to the character and appearance of the host property and surrounding area, contrary to Policy 7.4 of the London Plan (2016), Policies CS1 and CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policy DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and Residential Design Guidance SPD (2016)

Informative(s):

- 1 The plans accompanying this application are:

Location Plan; Site Plan: Drg No 7SL-PP1-01
Existing Ground Floor Plan; Proposed Floor Plans and Elevations: Drg No 7SL-PP1-02 Rev A
- 2 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) 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 applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. The LPA has discussed the proposal with the applicant/agent where necessary during the application process. Unfortunately the scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

OFFICER'S ASSESSMENT

This application has been brought before the committee at the request of Cllr Simberg for the following reason:

I would like to call the above application into committee for consideration.

There have been some objections to this application however I feel this building does not have a negative effect on street scene or amenities.

1. Site Description

The application site relates to a detached property at 7 Selvage Lane situated within the Hale ward. The properties benefit from both front and rear amenity space.

The property is not a listed building and does not fall within a Conservation Area. Whilst there are no TPO's at the application site, to the rear of the garden, there is an area of considerable mature vegetation and trees.

2. Site History

No relevant planning history.

3. Proposal

The proposal is for the erection of a rear outbuilding for use as a home office/gym/playroom.

The proposed outbuilding would be situated at the back of the rear garden. Since the original submission, amendments have been received altering the internal layout of the outbuilding from a guest bedroom into a multifunction space incorporating a home gym, office and playroom to ensure the outbuilding would remain ancillary to the main dwellinghouse and could not be used a separate dwelling.

The amendments also included alterations to the roof from a gable to hipped form and minor repositioning of the outbuilding further from the rear and western boundaries to alleviate some arboricultural concerns.

The amended proposal would have a depth of 6.5 metres, a width of 8.3 metres, an eave height of 2.8m and a maximum height of 4.3m.

4. Public Consultation

Consultation letters were sent to 14 neighbouring properties,

10 objections have been received.

The main points for consideration are:

- Concerns regarding impact of mass, bulk and height of proposed development on surrounding character.
- Concerns regarding potential use of outbuilding as a residential dwelling.
- Concerns regarding design and materials used and impact on surrounding character.
- Concerns regarding impact of proposed development on neighbouring amenity including loss of outlook, overshadowing, loss of privacy and potential overbearing nature.
- Concerns regarding loss of garden space.

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.

Barnet's Local Plan (Reg 18) 2020

Barnet's Local Plan -Reg 18 Preferred Approach was approved for consultation on 6th January 2020. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's emerging Local Plan.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of emerging policies and draft site proposals.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD 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.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

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

Officers consider that the main planning considerations are as follows:

- 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.
- Landscaping

5.3 Assessment of proposals

Potential impacts upon the character and appearance of the existing building, the street scene and the wider locality

Policy DM01 requires that the design and layout of new development should respect the character of the area in which it is situated and respond to the positive features of that character.

The National Planning Policy Framework 2019 reiterates the original guidance from the 2012 version stating 'the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

In addition to the NPPF, Policy CS5 of the Core Strategy states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'. In addition to this, Policy DM01 of the Council's Development Management Policies 2012 states that 'development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets' development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused'.

The London Plan also contains a number of relevant policies on character, design and landscaping matters. Policy 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area

Selvage Lane is located in the Hale ward. The Council's characterisation study defines the local area as suburban in character. Selvage Lane benefits from large detached properties fronting the street and long rear gardens extending and abutting the boundary with the rear gardens of Elmgate Gardens in a traditional block pattern

After analysis it is clear than in general there is limited evidence of outbuildings to properties along the rear of Selvage Lane or Elmgate Gardens. This does not mean that an outbuilding would not be acceptable but that in light of the surrounding context and the lack of built form to the rear of properties along this street, it is important to ensure any proposed built form to the rear has been sensitively designed of an appropriate size and scale to ensure it does not detract from the generally open and green characteristics, pattern of development and spaces identified within this local area in accordance with Policy 7.4 of the London Plan and Policy DM01 of the Development Management Policies DPD.

Whilst amendments have been received altering the proposed to a hipped roof instead of a gable roof form, it is not considered that the marginal reduction in mass at roof level overcomes officers' initial concerns regarding the extensive footprint and height..

The proposed would still result in a significant built form with a square meterage of 48m² and a height of 4.3 metres height at the rear of the garden. As stated, the rear of Selvage Lane has limited built form to the rear of properties with a combination of open and green characteristics and a traditional pattern of development. Whilst the amendments did indeed reduce the mass and height of the building marginally, the overall resultant development would still be significant and represent a form of development that would detract from the open, green and spacious characteristics afforded to this area and pattern of development contrary to Policy DM01 of the Development Management Policies DPD.

The original proposal indicated a home office alongside a guest bedroom, a bathroom and a living room within the outbuilding. Amendments were requested and received to remove the guest bedroom form the unit in order to ensure that the proposed would remain demonstrably ancillary to the main dwelling and could not be used in a self-contained manner. Officers are satisfied that the proposal could not be used in a self-contained manner in its current proposed form. A condition in the event of an approval would be attached to ensure the outbuilding continues to remain ancillary to the dwellinghouse.

The proposal would not be visible from the street scene of Selvage Lane, therefore there would be impact in this respect.

In conclusion, the proposed outbuilding due to its overall mass, height and footprint is considered to be a form of development that would detract from the local characteristics of this area contrary to Policy DM01 of the Development Management Policies DPD.

Potential impacts upon the amenities of neighbouring residents

It will be important that any scheme addresses the relevant development plan policies (DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites. With specific regard to Paragraph 14.40 of the Residential Design Guidance SPD (pursuant to Policy DM01), any application should ensure it would not unduly over-shadow neighbouring properties, nor unduly affect outlook from an adjoining property's habitable rooms or principal garden areas.

Despite the significant footprint, by virtue of the depth and width of surrounding gardens and the separation from common boundaries, the proposal is not considered to unduly over-shadow neighbouring properties.

Similarly, notwithstanding the uncharacteristic height, as a result of the depth of corresponding gardens, it is not considered that the proposal would unduly affect outlook - though it would be visible. If approved, a comprehensive landscaping condition could be applied which might further mitigate the impact. However, notwithstanding the comments below, the absence of such a condition is not considered to warrant grounds for refusal.

Consequently, this application is considered to be acceptable on the grounds of its potential impact upon the amenity of neighbouring occupiers

Landscaping

As stated within the site description, to the rear of the property there is a significant amount of mature vegetation and some trees in close proximity of the proposed location of the outbuilding. The LPA has been in discussion with the arboricultural consultant to ascertain if the likely impact would be acceptable. The consultant has stated that in light of the amended plans and relocation of the footprint of the building, the closest trees will not be fatally impacted by the development. Whilst the LPA would rather the retention of the mature vegetation to the rear of the site, this is not considered of such importance to warrant a reason for refusal. However, in the event of an approval in order to ensure that the proposal does still contribute towards the green and open characteristics of the area a condition would be attached requiring re-provision of soft landscaping at the site to mitigate the loss of the existing.

5.4 Response to Public Consultation

Key planning considerations have been addressed in the above section. With regard to other points raised:

- The proposed materials comprise brickwork - elements of which are to be found in the surrounding buildings - though the dominant finish is render. A condition requiring further details in respect of materials could be imposed in the event of an approval.
- Though the building takes up a large area of the garden (as discussed in more detail above), the residual amenity space would continue to meet the minimum standards required by Table 2.3 of the Sustainable Design and Construction SPD (2016)

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, the proposed development would have an unacceptable impact on the character and appearance of the application site and the wider locality. This application is therefore recommended for REFUSAL.

