

Location **2 Tennyson Road London NW7 4AP**

Reference: **20/4744/FUL** Received: 1st October 2020
Accepted: 11th November 2020

Ward: Mill Hill Expiry: 6th January 2021

Case Officer: **Olivia Fuller**

Applicant: Mr Struan Robertson

Proposal: Temporary change of use of ground floor conservatory (garden room) from residential to educational use

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

2/TR/02 Floor Plan April 2018
2 Tennyson Road Site Location Plan
2 Tennyson Road Floor Plan

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 permission shall be for a limited period only, expiring on 9th July 2021, when the use shall be discontinued and the conservatory shall be returned to C3 (residential) use.

Reason: To ensure that the consent granted accords with the permission sought and considered, in the interest of the amenities of the area.

- 3 The educational use hereby approved must be occupied by no more than 10 children at any time.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

- 4 The use hereby permitted shall not be open to pupils before 8.30am or after 4pm on weekdays and shall not open on Saturdays or Sundays and Public Bank Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

- 5 The rear garden of No 2 Tennyson Road shall not be used at any time as play area or amenity space (or any other interpretation thereof) in association with the temporary change of use hereby approved, or be accessed by pupils except for the transfer between the rear door of the conservatory and the shared gate in the common boundary between No 2 Tennyson Road and Goodwyn School

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

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. A pre-application advice service is also offered. 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 comprises a two-storey semi-detached property used as a single family dwelling. The application site is at the most eastern point of Tennyson Road, adjacent to the rear of Goodwyn School which forms the corner plot between Tennyson Road and Hammers Lane.

The area is predominantly residential consisting of detached and semi-detached dwellings on both sides of the street with Goodwyn School the only notable exception within close vicinity.

The site is not within a conservation area and is not a listed building.

2. Site History

Reference: 18/3622/FUL

Address: 2 Tennyson Road, London, NW7 4AP

Decision: Refused

Decision Date: 8 August 2018

Description: Partial change of use of existing residential garden to form enlarged school area (D1 class use). Erection of single storey side extension including new conservatory. Associated alterations to soft and hard landscaping including new canopy to rear ground floor, alterations to trees, removal of existing boundary wall and replaced with a glass balustrade and new access gate to neighbouring school (side elevation)

Reference: 18/5294/191

Address: 2 Tennyson Road, London, NW7 4AP

Decision: Lawful

Decision Date: 6 September 2018

Description: Existing single storey side extension

Reference: H/03143/13

Address: 2 Tennyson Road, London, NW7 4AP

Decision: Refused

Decision Date: 11 October 2013

Description: Change of use of ground floor from residential to educational use ancillary to Goodwyn School.

3. Proposal

This application seeks planning permission for the use of the ground floor conservatory (garden room) to provide an additional classroom for the adjoining school

There would be no internal or external alterations to facilitate the change of use.

The conservatory would be used between normal school hours 8:30am - 4pm and would be occupied by no more than 10 children at any time.

The use will cease at the end of the summer term - 9th July 2021.

4. Public Consultation

Consultation letters were sent to 65 neighbouring properties.

77 responses have been received, comprising 60 letters of support and 17 letters of objection.

The letters of objection can be summarised as follows;

- Previous reasons for refusal still relevant to the current application
- Loss of residential curtilage
- Harm to residential function and quality of accommodation

- Increased noise and disturbance
- Housing should not be taken off the market
- Detrimental to surrounding house prices
- Highways and car parking concerns
- Harm to the amenity of neighbouring occupiers

The letters of support can be summarised as follows;

- Beneficial to Goodwyn School and pupils
- Improve children's safety
- Positive impact on wider community
- Beneficial for social distancing requirements in light of Covid-19

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 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, 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 2031. 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, CS10
- Relevant Development Management Policies: DM01, DM02, DM04, DM07, DM13

The Council's approach to development 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.

Supplementary Planning Documents

Residential Design Guidance SPD (2016)

- Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. 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 developments 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 it states that 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.

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.

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

This application relates to the use of the conservatory at the side of the existing property to provide an additional classroom for the adjoining school. The change of use does not require internal or external alterations to facilitate the education use.

The host property is adjacent to Goodwyn School, which is located to the east of the application site. There is a common gateway between the two at the rear and pupils would access via that entrance. As such, the character of the property within the street scene would remain effectively unchanged by the activity.

The rear garden would not be used as an extension of the play area and a condition to that effect is proposed.

The conservatory would not be used by more than 10 children at any time. The educational use would be for a temporary period up until the end of the summer term (9th July 2021). The conservatory would only be utilised during the normal school hours - 8:30am - 4pm and would not be used on weekends or public bank holidays.

It is important to note that the change of use is not proposed to increase the number of pupils at the school as a whole. In light of Covid-19, the applicant outlines that an additional room is required for learning as group size is restricted by 'bubbles'.

Policy DM01 states that development proposals should be based on an understanding of local characteristics. As noted, no changes are proposed externally or internally to facilitate the change of use and as such no concerns have been raised regarding the impact on the appearance of the host property or streetscene.

Policy DM13 'Community and education uses' states that 'New community or educational uses will be expected to protect the amenity of residential properties'. It goes on to state that educational uses may be appropriate in residential areas, where they do not have a demonstrably harmful impact on the amenities of nearby residential properties and other uses in terms of noise and traffic generation, or on the character of the surrounding area.

Furthermore Policy DM04 stipulates that 'Proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted.'

The host property is a semi-detached dwelling, located within a largely residential area. The change of use relates solely to the ground floor conservatory, not the property as a whole. The change of use would only be for a temporary period until 9th of July 2021, with a maximum occupancy of 10 pupils.

In order to ensure that the proposed change of use would not result in an unacceptable level of noise and disturbance associated with general activity e.g children leaving and entering, the occupancy level will be conditioned specifying that no more than 10 children will be using the conservatory at any one time.

In addition, a condition is to be added to ensure that the conservatory will only be used during normal school hours, between 8:30am - 4pm. The condition will ensure that the conservatory is not to be used on weekends or public bank holidays.

Due to the small scale of the conservatory and its siting adjacent to the main school site and not neighbouring residential properties, coupled with the times of use and maximum occupancy, officers do not consider that the temporary change of use would harm the amenity of the neighbouring occupiers due to an unacceptable increase in noise and disturbance associated with the educational use. As such, officers are satisfied that subject to conditions, the proposal would be in accordance with Policies DM01, DM04 and DM13.

5.4 Response to Public Consultation

The summarised objection comments have been addressed below;

- Previous reasons for refusal still relevant to the current application

Whilst it is noted that the application site has previously been refused planning permission for the change of use from residential to educational, these schemes are considered materially different to the current submission.

The application relating to ref no. H/03143/13, sought full planning permission for the permanent change of the whole ground floor of 2 Tennyson Road to educational use, rather than residential. This application was refused on three grounds:

1. The proposal would cause an unacceptable level of noise, comings and goings and disturbance through associated general activity to the detriment of the amenities of neighbouring residents.
2. The use of the garden area as part of the school site without any mitigation would result in harmful noise and disturbance, and be detrimental to the amenities of neighbouring residents.
3. The proposal would result in the loss of residential floorspace where no overriding need for extended school facilities has been demonstrated.

With regard to the first reason for refusal, it is noted that previous scheme sought permission for the change of use of the entire ground floor of 2 Tennyson Road. This submission seeks only to temporarily change the use of the conservatory for a maximum of 10 pupils at any time.

The use of the garden for educational use is not proposed within this application (and a condition to that effect is proposed) and therefore the second reason for refusal is not relevant to this scheme.

Whilst accepted that the proposal would result in the loss of residential floor space, it is noted that this loss relates solely to the conservatory room. The host property would retain residential floor space over the rest of the ground floor (2no. living rooms) and over the upper floors. In addition, by virtue of its temporary nature, once the permission expires the lawful use of the conservatory would return to C3 floorspace ancillary to the main dwelling.

The refused application relating to ref no. 18/3622/FUL, sought permission for the partial change of use of existing residential garden to form enlarged school area (D1 class use). Erection of single storey side extension including new conservatory. Associated alterations to soft and hard landscaping including new canopy to rear ground floor, alterations to trees, removal of existing boundary wall and replaced with a glass balustrade and new access gate to neighbouring school (side elevation). The reasons for refusal are as follows:

1. The proposal would result in the loss of residential curtilage, harm to residential function and reduction in the quality of residential accommodation where no overriding need for extended school facilities has been demonstrated.
2. The proposed resultant educational use of the site would result in significant noise and disturbance within a predominantly residential area, detrimental to the residential amenity of the neighbouring occupiers

Response to the first reason for refusal has been referred to above.

With regards to the second refusal reason, this scheme sought permission for educational use within the outdoor amenity space of the application site. Given that this application relates solely to the change of use of the conservatory room for a maximum of 10 pupils, officers are satisfied that the proposal would not result in an unacceptable level of noise and disturbance.

Taking into consideration the above, officers do not consider that the previous reasons for refusal are still relevant to the current application.

- Loss of residential curtilage

The change of use would be internal, relating only to the conservatory room and therefore this proposal would not result in the loss of residential curtilage.

- Harm to residential function and quality of accommodation

Whilst it is accepted this proposal would result in the loss of the residential conservatory room, the change of use is for a temporary period until the 9th July 2021. Additionally, officers are satisfied that the host property would benefit from sufficient internal residential space over the rest of the ground and upper floors. Overall, it is not found that the temporary change of use would result in detrimental harm to residential function or quality of accommodation.

- Increased noise and disturbance

This point is covered in the main body of the report.

- Housing should not be taken off the market

This is not a material planning consideration.

- Detrimental to surrounding house prices

This is not a material planning consideration.

- Highways and car parking concerns

The application does not propose any increase in school pupils, it is not considered that the proposal would result in any additional levels of pressure to the existing highways and therefore is not considered unacceptable on highway grounds.

- Harm to the amenity of neighbouring occupiers

This point is covered in the main body of the report.

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 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.

