



- 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 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy D4 of the London Plan 2021.

- 4 The use of the outbuilding hereby permitted shall at all times be ancillary to and occupied in conjunction with No. 27 Abbots Gardens 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).

- 5 a) Prior to the first occupation of the hereby approved development, details of the proposed green roof shall have been submitted to and approved in writing by the Local Planning Authority.

b) The green roof shall be implemented in accordance with the details approved 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.

## **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**

The application has been called to committee by Councillor Farrier due to the size and bulk of the proposed building and its effect on the local environment.

### **1. Site Description**

The application site is located at 27 Abbots Gardens, London, N2 0JG, consisting of a semi-detached dwellinghouse. The area surrounding the site is mainly residential consisting of semi-detached dwellinghouses of differing architectural styles. The site is located within the East Finchley ward.

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

### **2. Site History**

Reference: 22/1151/192

Address: 27 Abbots Gardens, London, N2 0JG

Decision: Unlawful

Decision Date: 1 April 2022

Description: Erection of a rear outbuilding

Reference: 17/5945/192

Address: 27 Abbots Gardens, London, N2 0JG

Decision: Lawful

Decision Date: 5 October 2017

Description: Roof extension including hip to gable end and rear dormer to facilitate a loft

conversion.

Reference: 16/8168/HSE

Address: 27 Abbots Gardens, London, N2 0JG

Decision: Approved subject to conditions

Decision Date: 23 February 2017

Description: First floor side extension with projecting window to the rear. Alterations to roof including the addition of new rear dormer window and reconstruction of the existing one. 2no rooflights to front and 1 to each side elevation

Reference: F/02201/12

Address: 27 Abbots Gardens, London, N2 0JG

Decision: Approved subject to conditions

Decision Date: 21 August 2012

Description: Part single, part two-storey side extension with Juliet balcony to the rear, following demolition of existing garage. Alterations to roof including enlargement of rear dormer window four roof lights to elevations. New boundary fence 8ft and new decking in rear garden.

Reference: F/02013/12

Address: 27 Abbots Gardens, London, N2 0JG

Decision: Approved subject to conditions

Decision Date: 25 July 2012

Description: Change of use of an existing garage space to provide extra habitable space for a family dwelling house, change to fenestrations, construction of one new skylight and construction of a new decking in the rear garden.

Reference: F/01186/09

Address: 27 Abbots Gardens, London, N2 0JG

Decision: Lawful

Decision Date: 1 June 2009

Description: Conversion of garage into habitable room.

### **3. Proposal**

Erection of a rear outbuilding measuring approximately a depth of between 2.8 metres and 7.7 metres, 10.6 metres in width, with an eaves height of 2.5m and maximum height of 3.2 metres.

### **4. Public Consultation**

Consultation letters were sent to 5 neighbouring properties. 1 objection has been received, summarised below -

- The proposal goes along the full length of the garden, setting a precedent for other larger buildings to be developed
- The intended purpose of the proposal is not specified
- There are ecological consequences of such a large building. At least one tree would be cut down and such a building may affect water drainage.

### **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 20th July 2021. 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 2021

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

### Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02

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.

### Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. 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 the policies and site proposals in the draft Local Plan and the stage that it has reached.

### 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**

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**

It is noted that the site photographs that have been used to make an assessment of this application were provided by the applicant.

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

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan

policies such as DM01 which states that all proposals should preserve and enhance the local character of the area, as well as policies CS05 (both of the Barnet Local Plan), D1, D3 and D6 (of the London Plan).

Policy DM01 requires that all proposals should preserve and enhance the local character of the area. This proposal relates to a rear outbuilding measuring approximately a depth of between 2.8 metres and 7.7 metres, 10.6 metres in width, with an eaves height of 2.5m and maximum height of 3.2 metres.

Paragraph 5.2 of Barnet's Residential Design Guidance states that back garden buildings should:

- o Not unduly over-shadow neighbouring properties
- o Not be too large or significantly reduce the size of a garden to become out of character with the area
- o Not unduly affect outlook from an adjoining property's habitable rooms or principal garden area
- o Be in harmony with the surrounding area in terms of design and material

The addition of the proposed outbuilding to the rear of the garden would still allow a sizeable amount of outdoor amenity space for the occupiers in accordance with the Residential Design Guidance SPD, with approximately 205m<sup>2</sup> still remaining.

Following a review of aerial photography, although it is noted that there are not a sizeable number of examples of outbuildings along Abbots Gardens, there are examples of smaller buildings and sheds to the rear gardens. As the outbuilding is located to the rear and is not visible from the public realm, it is not found that the established character and appearance of the existing dwelling and general locality would be affected.

The outbuilding is proposed to be used as a gym and playroom for the sole use of the applicants which is considered acceptable. A condition will be attached to ensure the use of the outbuilding shall at all times be ancillary to the main building and shall not at any time be occupied as a separate unit or dwelling.

The green roof would better integrate the structure into the natural landscape of the surrounding area, which benefits from a considerable amount of trees and greenery. It would thus be considered an acceptable addition.

Overall, the proposed development is considered to have an acceptable impact on the character and appearance of the property and general locality. The outbuilding is considered to be proportionate to the size of the house and the garden. It is not considered that it would appear as a dominant feature.

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

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan policy D6 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.

In respect of the proposed outbuilding, the Residential Design Guidance SPD under paragraph 14.40 stipulates that back-garden buildings should ensure that they do not unduly overshadow neighbouring properties.

The proposed outbuilding would be located along the common boundary with no. 25 Abbots Gardens. However, the proposal will not exceed the fence height between these properties, with no windows or doors facing this neighbour. Thus, no unacceptable levels of amenity harm will result to no. 25.

14 metres would separate between the proposal and the shared boundary with no. 29 Abbots Gardens. The ground floor nature of the windows and doors facing this neighbour are considered to allow for more light into the outbuilding rather than for views into the adjacent garden which would not warrant refusal of the application. Therefore, no concerns of overlooking would be present, with no significant relationship change between these neighbours occurring.

No.s 22, 24 and 26 Deansway are sited to the rear of the applicant site. Nevertheless, due to their considerable garden depths of over 20m, as well as pitched design of the outbuilding roof, they are not considered to be majorly affected by the proposal, with minimal amenity losses being present.

#### **5.4 Response to Public Consultation**

- The proposal goes along the full length of the garden, setting a precedent for other larger buildings to be developed

Any future applications for outbuildings will still have to comply with the relevant planning policies, with this application having minimal bearing on this necessity of compliance.

- The intended purpose of the proposal is not specified

As stated in the above assessment, the outbuilding will be used as a playroom and gym

- There are ecological consequences of such a large building. At least one tree would be cut down and such a building may affect water drainage.

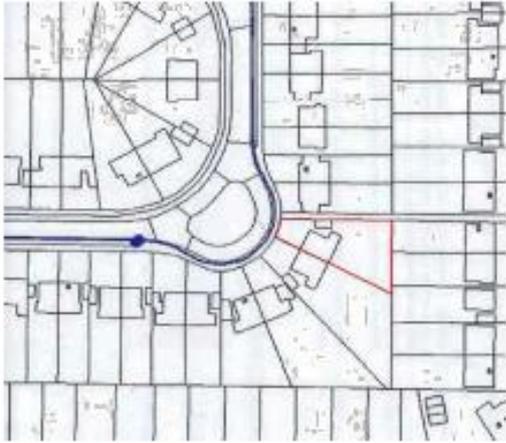
The mentioned tree does not have a tree protection order, and is not sizeable enough to warrant a refusal of this application.

#### **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 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.



✖ **Geometric**  
Map Location Map

