



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).

- 3 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).

### **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 contains a two-storey terrace dwellinghouse, located on the west side of Derwent Avenue, in Brunswick Park ward.

The surrounding area is primarily residential and consists of two-storey semi-detached and terrace properties of similar architectural styles.

There is parking to the forecourt of the site, and amenity space to the rear. There is a rear access road serving the rear of the site as well as neighbouring properties.

The site is not in a conservation area.

### **2. Site History**

## Planning

Reference: 15/02510/192

Address: 26 Derwent Avenue, Barnet, EN4 8LX

Decision: Lawful

Decision Date: 19 May 2015

Description: Extension to roof including hip to gable end, rear dormer window, 2 no rooflights to front elevation

Reference: 15/02521/PNH

Address: 26 Derwent Avenue, Barnet, EN4 8LX

Decision: Prior Approval Not Required

Decision Date: 26 May 2015

Description: Single storey rear extension with a proposed depth of 3.3 metres from original rear wall, eaves height of 2.38 metres and maximum height of 3.3 metres

### 3. Proposal

This is a retrospective application for the erection of a rear outbuilding measuring a maximum width of 6.6m, maximum depth of 5.350m, maximum height of 4.020m with a flat roof design when viewed from the rear garden. The outbuilding would be 3.4m when viewed from the access road due to the change in levels across the site.

The building is sited at the end of the rear garden some 11.7m from the rear wall of the house, extending virtually the full width of the site. The overall length of the garden is some 17.7m .

### 4. Public Consultation

Consultation letters were sent to 4 neighbouring properties. 5 letters of objection were received which can be summarised as follows:-

-This new outbuilding is an eyesore in the alley way/ Not in keeping with the surrounding buildings.

-The building is much taller than any other buildings on the alleyway behind Chetwynd Avenue and Derwent Avenue.

-Although this does not directly block light to my property, the fall of the land would give the appearance of overlooking an industrial unit.

-We have concerns that the outbuilding will impact the resale value of our house, it is visible from both of the ground floor windows & dominates our view, it is fairly imposing.

-The owner informed us that it was within her Permitted Development & that she had all the relevant paperwork.

-Casts a major shadow over our back garden for the majority of the afternoon taking at least 50% of the natural light for over half the day.

-Owner has installed a motion detecting security light at the very top of the building.

-Whilst we have no objection in principle to the construction of an outbuilding in this garden we would urge the Council to uphold a significant reduction in the height of this structure which would in no way inhibit the use for which it was originally intended.

### 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 -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65

sites. It represents Barnet's draft 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 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**

- 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.

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 outbuilding to the rear of the garden would still retain a sizeable amount of outdoor amenity space for the occupiers in accordance with the Residential Design Guidance SPD.

There are examples of rear garden outbuildings/garage along Derwent Avenue and in the wider surrounding area, including nos 22, 28, 30 and 16 Derwent Avenue at varying heights and sizes. Accordingly the proposal is considered to be in keeping with the character and appearance of the surrounding area and is considered to be acceptable in principle. The outbuilding is located to the rear, accessed by a rear service road which also serves rear outbuilding at neighbouring properties. As such, it is not considered 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 garage 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.

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 out of character with the area.

- 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.

24 Derwent Avenue

The development is sited 8.1m from the flank wall of this neighbour.

The proposed outbuilding will be located within 2 metres of the boundary of the curtilage of the site, however, notwithstanding that the outbuilding is some 2m higher than the boundary fence, it is not considered that the proposed outbuilding would be overbearing

or visually obtrusive to such a degree as to result in any unacceptable levels of harm to the amenity of neighbouring occupiers. The proposal does not result in significant loss of sunlight such as to warrant refusal.

28 Derwent Avenue

The development is sited 12.4m from the flank wall of this neighbour.

Windows and doors are proposed to the front elevation facing the host property. Further, the proposed outbuilding will sit adjacent to an already existing outbuilding at no. 28, thus causing minimal amenity impact to this neighbour.

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

*We have concerns that the outbuilding will impact the resale value of our house* This is not a planning matter

*Casts a major shadow over our back garden for the majority of the afternoon taking at least 50% of the natural light for over half the day.* Whilst some overshadowing will occur in the evening during the summer months, it is not considered that this would result in levels of harm such as to warrant refusal.

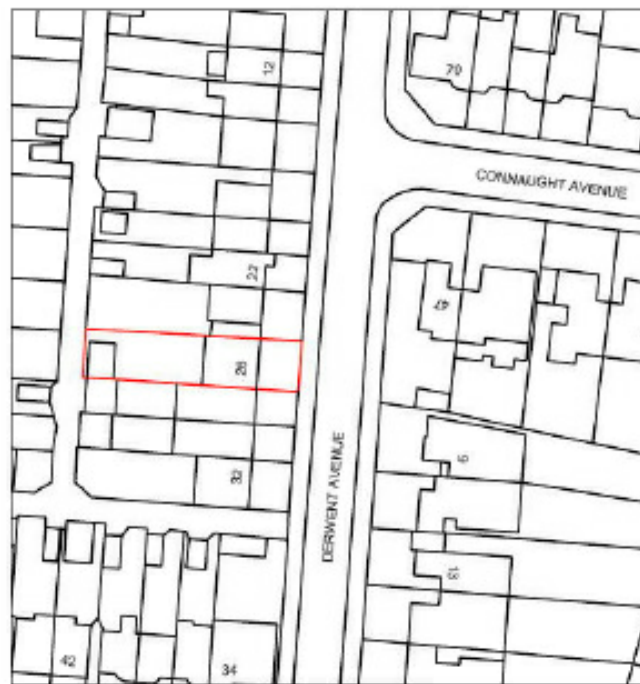
*Owner has installed a motion detecting security light at the very top of the building.* This is not a planning matter

#### **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 has 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.



LOCATION PLAN