

Location **198 Golders Green Road London NW11 9AL**

Reference: **22/4591/FUL** Received: 13th September 2022
Accepted: 13th September 2022

Ward: Golders Green Expiry 8th November 2022

Case Officer: **Will Collier**

Applicant: Trentwood Ltd

Proposal: Erection of a single storey rear outbuilding for use as a gym/storage/utility area ancillary to the guest house

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 Chair (or in their absence the Vice-Chair) 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:

Proposed Plans and Elevations, 202209/198GGR/OBA/01
Existing Location and Block Plans, 202209/198GGR/OBA/S1
Proposed Location and Block Plans, 202209/198GGR/OBA/S2

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 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 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. The outbuilding shall only be used by occupants of the main building and shall not be open to members of the public at any time.

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).

- 4 No music or sound amplification shall be permitted in the outbuilding hereby approved at any time.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (2012), the Sustainable Design and Construction SPD (2016) and Policy 7.15 of the London Plan.

- 5 The gym hereby permitted shall not be used before 08:00 am or after 21:30 pm on weekdays and Saturdays or before 09:00 am or after 17:30 pm on Sundays and Bank and Public Holidays (excluding Christmas Day, where it shall not be used at any time). Users should vacate the outbuilding no more than thirty minutes once the use ends.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (2012), the Sustainable Design and Construction SPD (2016) and Policy 7.15 of the London Plan.

- 6 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of any equipment, machinery, plants and/or music associated with the gym and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

- b) The measures approved under this condition shall be implemented in their

entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy 7.15 of the London Plan.

- 7 The level of noise emitted from the gym hereby approved, including noise from any equipment, machinery, plants and/or music, shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

- 8 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reason: In the interest of good air quality in accordance with Policy DM04 of the Barnet Local Plan Development Management Policies (2012) and Policy SI1 of the London Plan 2021.

Informative(s):

- 1 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 2 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 site is a semi-detached property at the junction of Golders Green Road/Ambrose Avenue. The property functions as mixed use as 9 bedroom hostel, guesthouse and House in Multiple Occupation (HMO) (Sui generis) (19/3268/RCU) with the retention of Bedroom 1 on the ground floor for HMO use. The property has recently been extended at the back (21/3782/FUL).

The area surrounding the site is predominantly residential consisting mainly of similar two storey semi-detached dwellinghouses. It is not within a conservation area, and is not a locally or statutory listed building.

There are no Tree Preservation Orders on site.

It is just outside the designated Golders Green Town Centre.

2. Site History

Reference: 22/3367/FUL

Address: 198 Golders Green Road, London, NW11 9AL

Decision: Refused

Decision Date: 12 September 2022

Description: Erection of a rear outbuilding for use as a gym ancillary to the guest house

1. Reasons for refusal: The proposed outbuilding, by reason of its scale, size and use as a gym will harmfully increase noise, disturbance, and disruption to neighbouring residents through associated general activity in an area characterised as residential, and would not be ancillary to the main building, contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

2. The proposed development, by reason of the size of footprint in conjunction with the existing rear extension, would not be subordinate to the host property, thus appearing dominant in scale and reducing the openness of the rear garden to the detriment of the character of the area, contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

Reference: 22/3369/FUL

Address: 198 Golders Green Road, London, NW11 9AL

Decision: Refused

Decision Date: 12 September 2022

Description: Erection of a two storey rear outbuilding at basement and ground floor levels for use as a gym/storage/utility area ancillary to the guest house

Reference: 21/3782/FUL

Address: 198 Golders Green Road, London, NW11 9AL

Decision: Approved subject to conditions
Decision Date: 2 September 2021
Description: Part single, part two storey rear extension

Reference: 19/3268/RCU
Address: 198 Golders Green Road, London, NW11 9AL
Decision: Approved subject to conditions
Decision Date: 9 August 2019
Description: Continued mixed use as hostel, guesthouse and House in Multiple Occupation (HMO) (Sui generis) (RETROSPECTIVE APPLICATION) [AMENDED DESCRIPTION]

Reference: 19/3011/FUL
Address: 198 Golders Green Road, London, NW11 9AL
Decision: Approved subject to conditions
Decision Date: 3 August 2019
Description: Erection of single storey rear outbuilding

Reference: 18/0321/FUL
Address: 198 Golders Green Road, London, NW11 9AL
Decision: Withdrawn
Decision Date: 6 April 2018
Description: Erection of single storey outbuilding with pitched roof and basement level to rear boundary, ancillary to main building

Reference: 14/07752/FUL
Address: 198 Golders Green Road, London, NW11 9AL
Decision: Withdrawn
Decision Date: 23 February 2015
Description: Erection of single storey unit with rooms in roof space including 2no. bedrooms sharing kitchen and dining room facilities

Reference: F/05560/13
Address: 198 Golders Green Road, London, NW11 9AL
Decision: Approved
Decision Date: 17 January 2014
Description: Submission of details of condition 3 (Materials) pursuant to planning permission F/05053/10 dated 07/03/11.

Reference: F/05053/10
Address: 198 Golders Green Road, London, NW11 9AL
Decision: Approved subject to conditions
Decision Date: 7 March 2011
Description: Provision of 5no parking spaces to the rear of building following removal of existing detached garage and new crossover access adjacent to Ambrose Avenue.

Reference: C04579F/08
Address: 198 Golders Green Road, London, NW11 9AL
Decision: Approved subject to conditions
Decision Date: 17 March 2008
Description: Change of use from hostel (sui-generis) to class B1 office, provision of 5no. off-street car-parking spaces accessed from Ambrose Avenue and 2no. off-street car-parking spaces accessed from Golders Green Road. (Renewal of planning permission

C04579E/03 dated 18-12-2003)

Reference: C04579D/03

Address: 198 Golders Green Road, London, NW11 9AL

Decision: Approved subject to conditions

Decision Date: 8 September 2003

Description: Conversion of property from Hostel (sui-generis) into a Class D1 medical facility. Provision of 3 off-street car-parking spaces accessed from Ambrose Avenue and 2 off-street car-parking spaces accessed from Golden Green Road.

Reference: C04579E/03

Address: 198 Golders Green Road, London, NW11 9AL

Decision: Approved subject to conditions

Decision Date: 18 December 2003

Description: Change of use from hostel (sui-generis) to class B1 office, provision of 5no. off-street car-parking spaces accessed from Ambrose Avenue and 2no. off-street car-parking spaces accessed from Golders Green Road.

Reference: C04579A

Address: 198 Golders Green Road NW11

Decision: Approved subject to conditions

Decision date: 28 February 1979

Description: Change of use to guest house

3. Proposal

The application seeks permission for a single storey rear outbuilding for use as a gym/storage/utility area ancillary to the guest house. The outbuilding is 7.87 metres long, 4.8 metres wide and 2.5 metres high with flat roof, sited at the back of the rear garden. Access to the outbuilding is internal to the site.

4. Public Consultation

Consultation letters were sent to 124 neighbouring properties and a site notice was displayed on 22nd September 2022.

Six objections, highlighting following issues:

- o Plans incorrect.
- o Parking / congestion
- o Disturbance
- o No direct access from guest house
- o Loss of parking spaces

Internal consultations:

Highways - no objections subject to conditions.

Environmental health - no objections subject to conditions.

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 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 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, DM04

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.

5.3 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.

The issues in assessing the application are:

- Impact on character and appearance of the existing building, the street scene and the wider locality;
- Impact on the living conditions of neighbouring residents.
- Impact on highways/parking

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

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Policy DM01 also states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Paragraph 14.40 of Barnet's Residential Design Guidance SPD (2016) states that the same principles apply to the design of back garden buildings as to rear extensions:

- they should not unduly over-shadow neighbouring properties
- they should not be too large or significantly reduce the size of a garden to become out of character with the area
- they should not unduly affect outlook from an adjoining property's habitable rooms or principal garden areas
- their design and materials should be in harmony with the surrounding area.

Outbuildings in the rear garden area are a common feature, and therefore characteristic, of this part of the Borough. There is an existing concrete base which indicates an outbuilding used to exist on site confirmed by aerial imagery.

The proposed outbuilding is the same in size and dimensions as previously approved under 19/3011/FUL. Taking this into account and re-assessing again, the proposal is not considered to be too large or to significantly reduce the size of the garden to be out of character with the area.

The design and materials (brickwork to match property) would be in harmony with the surrounding 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.

Outlook, light and privacy:

There is no neighbour to the north as it is a corner property. To the south adjacent to No. 196 Golders Green Road there is a fence to the permitted height of 2 metres. The outbuilding would be adjacent to the rearmost part of No. 196's garden area and would be in a similar siting to the previous outbuilding on site. As such, it is not considered the outbuilding would harm the amenity of these neighbours.

The outbuilding would be sited 0.8 - 0.3 metres from the boundary adjacent to No. 2 Ambrose Avenue. As observed on site, there is a ground floor window facing the rear garden of No. 198 Golders Green Road but this window was small in size and appeared to act as a secondary window, seemingly to the staircase/hallway. It would therefore not harm the amenities of these neighbours.

Environmental Health Matters:

In regards to environmental health matters, the agent has confirmed that the outbuilding (gym) would be for the use of the occupants of the host building at No. 198 Golders Green Road only. The agent has confirmed in writing via email dated 8th November 2022 that no amplified sound, music or radio would be played in the proposed gym. They have also

confirmed it would be constructed in brick and would include double glazing and insulation. They have also agreed hours of operation in conjunction with advice of the environmental health officer. The agent has also agreed to the attachment of a planning pre-commencement condition to provide an acoustic report to assess the likely noise impacts from the development and mitigation measures. All the above is upon the advice of the environmental health officer at the local authority.

- Highways Impact.

There are no highways implications as the gym is solely for the use of the guesthouse. Further plans have been submitted clarifying the access which will be internal to the site. There will be a side pedestrian door in the boundary fence along Ambrose Avenue. It is recommended that conditions are applied to ensure the gym is ancillary used by the occupants of the guesthouse only. Whilst there would be access via Ambrose Avenue, this is for users of the guesthouse only.

5.4 Response to Public Consultation

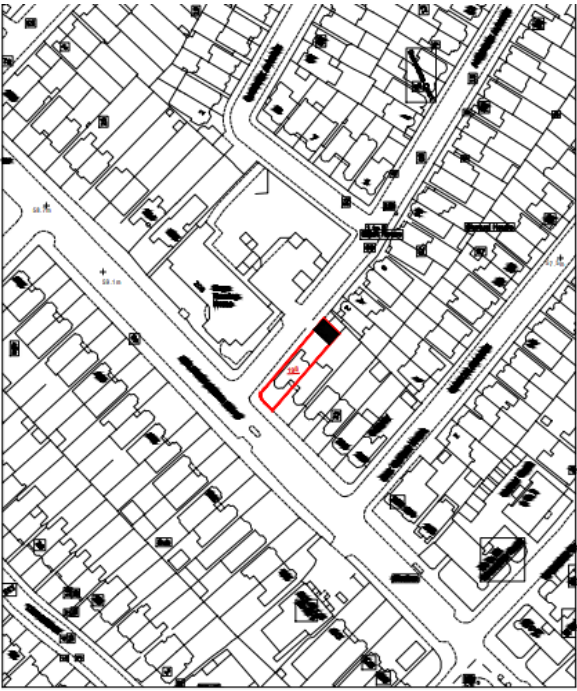
Matters concerning noise, disturbance, parking implications and access have been addressed in the report. It is also considered the plans are an accurate representation.

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.



LOCATION PLAN 1:1250