

Location **43 Fursby Avenue London N3 1PJ**

Reference: **23/0451/RCU** Received: 2nd February 2023
Accepted: 3rd February 2023

Ward: West Finchley Expiry: 31st March 2023

Case Officer: **Robert Sweeney**

Applicant: Minako Nonaka

Proposal: Front hardstanding and vehicular access to provide off-street parking
(Part Retrospective Application)

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:

Driveway improvements 1348-PL-01 rev e
Existing plans and elevations (prior to alterations) 1348-EX-02
Location plan 1348-EX-01

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 materials to be used in the surface of the hardstanding and boundary wall shall match those specified in the approved plans

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012) and Policies RD1 and S1 of the West Finchley Neighbourhood Plan (2021).

- 4 The hardsurfacing hereby approved shall be porous or permeable and in conjunction with the proposed drainage channel shall incorporate measures relating to the attenuation and drainage of surface water within the curtilage of the application site and shall be permanently maintained as such

Reason: To safeguard character and appearance and reduce surface water flow to minimise risks from flooding in accordance with Policies D3, SI12 and SI13 of the London Plan (2021), Policies DM01 and DM04 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012) and Policies S1 and LE1 of the West Finchley Neighbourhood Plan (2021)

- 5 No works on public highway including creation or modification of a vehicular access as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans. The applicant will be expected to make an application to the Domestic Crossovers Team, for the creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

Reason: To ensure that the works on public highway are carried out to the satisfaction of the highway authority in the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (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.

- 2 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.

OFFICER'S ASSESSMENT

1. Site Description

The application site is a semi-detached property situated at 43 Fursby Avenue, London, N3 1PJ

The property is not listed and is not situated within a Conservation Area however, it does fall within the area of the adopted West Finchley Neighbourhood Plan. The property does benefit from Permitted Development rights with regard to the formation of hardstandings.

2. Site History

Reference: 22/4657/191

Address: 43 Fursby Avenue, London, N3 1PJ

Decision: Unlawful

Decision Date: 6 February 2023

Description: Front hardstanding and vehicular access to provide off-street parking

3. Proposal

This application seeks permission for the following works: "New front hardstanding and vehicular access to provide off-street parking".

Alterations within the curtilage have already been carried out. This application seeks to reduce the area of the new front hardstanding area to measure a width of 2.4 and a depth of 6.2m - and proposes alterations to the existing crossover.

4. Public Consultation

6no consultation letters were sent to neighbouring properties.

5no objections have been received:

- The loss of the front garden negatively impacted the character of the surrounding urban area.

- The increase in the hard surfacing will further decrease the ability of the area to manage water runoff.
- The proposal does not meet the requirements of good design that are set out in both the West Finchley Neighbourhood Plan and the Residential Design Guidance SPD.

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, DM17

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 (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.

West Finchley Neighbourhood Plan (2021)

The West Finchley Neighbourhood Plan has been created to ensure residents of West Finchley can positively influence the future of the neighbourhood over the next 15 years. It is a statutory planning policy document, against which applications for planning permission within its boundaries must be considered. In order to pass examination, the West Finchley Neighbourhood Plan must be in 'general conformity' with the strategic policies of the adopted Development Plan Documents produced by the GLA and LB Barnet.

The Overall Vision provides a simple mission statement for the Neighbourhood Plan, supporting positive developments that will improve the Neighbourhood Plan Area through to 2035. To deliver the Overall Vision, a number of Key Themes are identified, which form the themes of the Neighbourhood Plan. The themes are: Residential Development, Amenities, Streetscape, Local Environment, Transport.

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.
- Flood Risk

5.3 Assessment

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, CS05 (both of the Barnet Local Plan), Policy D3 (of the London Plan) and Policies RD1 and S1 of the West Finchley Neighbourhood Plan (2021).

Regarding the character and appearance of the existing building, the street scene and the wider locality it is considered that there are comparable to a number of front hardstanding in the immediate vicinity of the area, including Nos 41, 32, 30, 37 and 35, and thus the proposed hardstanding and vehicular access are considered to be consistent with the character of the local area.

Over the life span of this application, several amendments were sought to restore the boundary wall and reduce the area of hard standing to be replaced with soft landscaping. Therefore the proposal would comply with the expectations of the Residential Design Guidance SPD (2016) and Policy S1 of the West Finchley Neighbourhood Plan (2021) and would be a proportionate addition to the dwellinghouse. It would have an acceptable impact on the character and appearance of the streetscene, site property, and general locality.

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 and policy D3 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.

It is considered that the proposed development would not have any impact in terms of loss of daylight/sunlight, privacy or outlook due to its nature and siting. There would be no appreciable impact caused to either neighbour as a result of the development and therefore the proposal is considered acceptable on amenity grounds.

Flood Risk

The proposal involves the restoration of soft landscaping to around two thirds of the frontage, together with a dwarf retaining wall. Where the new hardstanding will remain, surface water run off will be directed into a drainage channel within the curtilage. A condition will be applied with regard to the permeability of the hard surfacing and the attenuation and discharge of surface water. This has also had the benefit of improving the design and bringing it in line with the Council standards for a front driveway.

The proposal would therefore be consistent with the expectations of Policies SI12 and SI13 of the London Plan (2021), Policy DM04 of the Local Plan (2012) and Policy LE1 of the West Finchley Neighbourhood Plan (2021)

5.4 Response to Public Consultation

Addressed in the 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 or on surface water flood risk management. This application is therefore recommended for APPROVAL.

