

Location **64A Parkhurst Road London N11 3EL**

Reference: **23/0319/RCU** Received: 25th January 2023
Accepted: 25th January 2023

Ward: Friern Barnet Expiry 22nd March 2023

Case Officer: **Emily Palmer**

Applicant: Mr Levent Kubilay

Proposal: Erection of a rear outbuilding (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:

1432/11 Rev #
1432/12 Rev #
1432/13 Rev B

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 a) Within three months of the date of this permission, the rear wall of the outbuilding hereby approved shall be finished by way of the application of further render and paint.

b) The outbuilding hereby approved shall be demolished within three months of the date of the failure to comply with the obligation under Part a) of this condition

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) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 3 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors shall be placed at any time in the side or rear elevations of the outbuilding hereby approved

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 4 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).

- 5 The roof of the building hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking 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 is located at 64A Parkhurst Road, N11 3EL, consisting of a two-storey detached dwellinghouse. The property has been converted into 2 self-contained flats with this application relating to the ground floor flat. The area surrounding the proposed site is mainly residential consisting of similar two-storey semi-detached and terraced dwellinghouses.

The site is not within a conservation area (designated as Article 2(3) land in the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended) and is not within an area covered by an Article 4 direction. Furthermore, the site is not a listed building.

It should be noted that this application results from an enforcement case ref: ENF/1263/22.

2. Relevant Planning History

Reference: 20/0425/FUL

Address: 64A Parkhurst Road, London, N11 3EL

Decision: Approved subject to conditions

Decision Date: 31 March 2020

Description: Erection of a single storey rear and side extension

Reference: 21/6070/FUL

Address: 64A Parkhurst Road, London, N11 3EL

Decision: Approved subject to conditions

Decision Date: 13 January 2022

Description: Single storey side and rear extension

3. Proposal

The application seeks permission for the erection of a rear outbuilding.

Throughout the lifetime of the application the proposed drawings have been amended.

The current proposed scheme is for an ancillary outbuilding, to be used as a summer house and storage and incorporates a w/c. The outbuilding would have a footprint of 21sqm, surrounded by a 0.43m canopy on the front elevation, and a bbq/canopy area which extends a further 2.25m.

The outbuilding would be sited on the common boundaries with the neighbouring occupiers - 62 Parkhurst Road, 3 and 5 Holly Park Road, and 63 Beaconsfield Road. The plans measure the maximum height to be 2.5 metres. After a site visit to 63 Beaconsfield Road, it should be noted that due to level differences, the ground level at the rear is close to 3 metres.

4. Public Consultation

Consultation letters were sent to 20 neighbouring properties.
7 responses have been received, comprising 7 letters of objection

The objections received can be summarised as follows:

- The building has been built at the back of the garden with no space between the fence. It has damaged the entire fence which is unrepairable.
- Lots of cement and rubble in neighbouring garden.
- The building is 3 metres high.
- It obstructs light into the neighbouring gardens.
- It has ruined the plants in the garden.
- The flank side of the building is breeze block, and an ugly construction with black plastic at the top.
- A 2.6 metre fence has been included in the construction of this.

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 in 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.

The new London Plan which sets out the mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd of March 2021 and supersedes the previous Plan.

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, CS4, CS5, CS9, CS14.
- Relevant Development Management Policies: DM01, DM02, DM16

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.

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, semidetached 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

Design and Visual Amenity

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) and D3 of the London Plan 2021.

In regard to back garden buildings, the Residential Design Guidance SPD advises as follows: "(Para 14.40) 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 properties habitable rooms or principal garden areas, their design and materials should be in harmony with the surrounding area. (Para 14.41) Proposals should consider location of garden buildings such as sheds and greenhouses so that they minimise the impact on neighbouring properties. Garden buildings should be located to the rear of properties. The building materials used should respect the existing buildings and the overall character of the area. Garden buildings should minimise any impact on trees."

The proposed outbuilding would measure 6.37m in width, and 3.3m in depth, and would have a main footprint of 21sqm. It would be sited within the rear garden, on the common neighbouring boundaries. Throughout the lifetime of the application, the height and depth of the canopy and bbq area have been reduced to mitigate any detrimental character impact. Consequently, the outbuilding is considered to remain proportionate to the size of the house and the garden and would not appear as an unduly dominant feature.

Following a review of aerial photography, it is noted that there are many examples of rear outbuildings in nearby properties.

Also, as the outbuilding is located to the rear of the plot 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 significantly affected.

Notably, there is a garden shed in the neighbouring property. The height of the proposed outbuilding is not much higher than the ridge height of the shed next to it.

The outbuilding is proposed to include the uses of summer house, storage and w/c, as stated in the proposed plans, which are considered to be, in-principle, uses incidental to the enjoyment of the main dwelling house. It is considered that the term 'incidental' connotes an element of subordination in relation to the enjoyment of the dwelling itself.

On the particular facts of this case, it is considered that those spaces would be incidental to the dwelling.

A condition will be attached to ensure the use of the outbuilding shall always be ancillary to the main building and shall not at any time be occupied as a separate unit or dwelling.

Overall, it is found that the established character and appearance of the existing dwelling would not be affected, should this proposal receive approval; therefore, in this regard, it is in compliance with Policy DM01 of Barnet's Development Management Policies DPD.

Residential Amenity

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. The Residential Design Guidance SPD states that proposals should be designed to ensure the provision of sufficient privacy, minimisation of overlooking between surrounding dwellings and orientation of buildings to maximise sunlight and daylight. With regard to this application, the key concern is whether the proposal would result in any degree of overlooking to neighbouring sites and if undue overshadowing, loss of outlook and loss of light would occur as a result of the development.

The proposed outbuilding would be situated on the common boundary with No 3 and 5 Holly Park Road. Throughout the lifetime of the application, the height and design of the proposed outbuilding has been amended, to reduce the depth and height of the canopy/bbq area. It is considered that the changes to the proposed canopy area has removed any potential undue harm to the amenity of those neighbours. Due to the orientation, there is no impact with regards to loss of sunlight.

Given the difference between the rear of No. 62 Parkhurst Road and the proposed outbuilding, officers are satisfied that there would be no undue harm to the amenity of the neighbouring occupiers.

Officers observed on the site visit that the neighbouring garden of No. 63 Beaconsfield Road is set at a slightly lower ground level. Notwithstanding this difference in height, officers consider that the outbuilding is similar to the ridge height of the shed in the neighbouring garden. Though it is accepted that the perception of the wider, flat roof structure is relatively more imposing than the neighbouring shed, it is not considered to be unduly atypical of garden outbuildings and in this case, could be improved when the elevation is finished and/or if the boundary treatment is able to be restored. In that respect, a condition will be attached to oblige the applicants finish the rear wall - with additional render and paint, within 3 months of approval. Also, as the outbuilding is sited at the rear boundary of No 63 Beaconsfield Road, it is not considered that the shadow would extend to the rear habitable rooms and patio area of the garden, even when the sun is lower in winter.

Officers are satisfied that this would ensure that the proposed outbuilding would not result in an overly harmful impact on the amenity of the neighbouring occupiers such that would warrant refusal.

5.4 Response to Public Consultation

- The main planning considerations have been addressed within the body of the report.
- Any deposit of cement and rubble in the neighbouring garden is a civil issue and not a matter relevant to the decision
- It is not apparent from the plans and elevations that a 2.6 metre fence has been included in the construction as alleged

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, as amended, 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 undue adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL

