

Location	Land Rear Of 23 Margaret Road Barnet EN4 9NP	
Reference:	23/1401/FUL	Received: 30th March 2023 Accepted: 30th March 2023
Ward:	East Barnet	Expiry 25th May 2023
Case Officer:	Basya Markovits	
Applicant:	Mr Usher Rosenberg	
Proposal:	Erection of a rear garage	

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:

- P01 Rev B Location plan
- ARCH 02 Rev B Block plan
- P03 Rev B Proposed roof plan
- P04 Rev D Proposed ground floor plan
- P05 Rev D Proposed elevations
- P05 Rev C Proposed elevations
- SWP01 Swept path plan
- SWP02 Swept path plan
- Email dated 17.07.2023 regarding usage of building

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 Materials shall be as per those shown on the approved drawings and retained as such thereafter.

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).

- 4 The development hereby permitted shall only be used as a private garage and store and shall not at any time be occupied as a self-contained, residential unit or dwelling.

Reason: To safeguard the character and visual amenities of the site and wider area, and in the interests of neighbouring amenity, 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).

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 a stand-alone plot of land to the rear of 23 Margaret Road, EN4 9NP that previously formed part of the rear garden of that residential property. The site area is approximately 90 sqm and is bounded to the east by Mulberry Close, which provides independent access to the site.

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, there are no conditions attached to the site which remove permitted development rights. There are no trees under Tree Preservation Orders.

This case has been referred to committee as there have been 5 objections.

2. Site History

Reference: 22/5543/FUL

Address: Land Rear of 23 Margaret Road, EN4 9NP

Decision: Refused

Decision Date: 15.11.2022

Description: Erection of a rear outbuilding

Reference: 17/7738/FUL (Appeal reference: APP/N5090/W/18/3205619)

Address: Land Rear of 23 Margaret Road, EN4 9NP

Decision: Refused, appeal dismissed

Decision Date: 05.02.2018

Description: Construction of a two-storey house with off street parking and private garden.

Reference: 17/7007/FUL

Address: 23 Margaret Road, EN4 9NP

Decision: Approved subject to conditions

Decision Date: 30.01.2018

Description: Conversion into 2no. self-contained flats including a two storey side extension following demolition of existing single storey addition. Associated amenity space, refuse storage, cycle stores and provision of 2no. off-street parking spaces.

Reference: 17/0416/192

Address: 23 Margaret Road, EN4 9NP

Decision: Lawful

Decision Date: 23.02.2017

Description: Extensions to roof including hip to gable end, 1no rear dormer with juliet balcony and 1no side dormer with 2no roof lights to front elevation. Erection of 1no single storey rear extension. Demolition of existing side extension following erection of 1no rear/side extension with 2no skylights. Alteration of existing windows and installation of new windows and doors.

Reference: 16/7292/PNH

Address: 23 Margaret Road, EN4 9NP

Decision: Prior approval not required

Decision Date: 23.02.2017

Description: 1no single storey rear extension and 1no single storey side and rear extension, both with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 4 metres.

Reference: 16/6738/PNH

Address: 23 Margaret Road, EN4 9NP

Decision: Prior approval required and refused

Decision Date: 14.11.2016

Description: Single storey rear extension with a proposed depth of 6 metres and 12 meters from original rear wall, eaves height of 3 metres and maximum height of 4 metres.

3. Proposal

Planning permission is sought for:

- Erection of a rear garage.

The proposed garage would have a width of 5.8 metres and a depth of 9.3 metres. It would be set off the rear boundary by 0.9 metres and off the west boundary by 0.7 metres. As revised, it would have a pitched roof with 1.9 metre parapet at the eaves and a ridge height of 3 metres. There would be five rooflights on the roof slope facing Mulberry Close.

4a. Public Consultation

Consultation letters were sent to 77 neighbouring properties.

5 objections were received.

The objection comments can be summarised as follows:

-Too large for a garage

-Pitched roof and velux windows not in keeping with surrounding garages

-Construction work will be dangerous as in close proximity to school and nursery

-Road not large enough for traffic during construction

-Entrance to property is too small for most vehicles to turn in

-Proposal would increase traffic, footfall, congestion and affect parking

-Garage entrance too close to neighbouring property (no.23A)

-Would obstruct view (no.23A)

-Adjacent trees and hedges would be affected

-Application forms completed incorrectly

- Use is put as 'light industrial'. As area is residential it is unsuitable for an industrial unit.

- Plans lack detail about the use the building will be put to.

4b. Internal Consultation

Highways were consulted and requested swept path analysis drawings to demonstrate whether vehicles can safely access and egress. These were submitted by the applicant and found to be acceptable on Highway grounds.

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 current iteration of 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 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 London Plan (2021)

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 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.

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 Draft Local Plan

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)
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

Background comments

It is noted that an application for a garage was submitted in November 2022 (Ref: 22/5543/FUL) and was refused on character and amenity grounds. The current proposal as revised differs from the refused scheme in design, size, height and bulk, and it is considered by officers that the previous grounds for refusal have been overcome.

It is further noted that a previous scheme to build a two-storey house with garden and parking space (ref: 17/7738/FUL) was refused in Feb 2018 and was subsequently dismissed at appeal. With respect to the amenity impact the inspector made the following comments:

'Although the house has been designed to restrict its height to single storey close to the boundary, its overall size would have a significant effect on the rear garden serving No. 21. As a result of its asymmetrical roof design and steep pitch towards the boundary with No. 21 the house would present a significant amount of slate covered roof slope towards the rear garden of No. 21. As a result, the house would appear as a dominant feature in the outlook from the rear gardens and it would have a harmful overbearing impact on the use of the rear garden of No. 21 in particular.'

The inspector made the following comments relating to the character of the proposal:

'The scale of the footprint of the new house, would lead to the loss of a significant amount of the existing rear garden area. This siting, in combination with its two-storey scale where it fronts the access to Mulberry Close, would result in the new house being a dominant feature in the townscape. It would also be significantly out of character with the very modest scale of the adjacent garden buildings.'

However, it is noted that the inspector did not object to the principal of a building on the site. The current proposal differs from the appeal scheme in that it is a garage and not a two-storey house. Furthermore, the proposal has been reduced in size and bulk.

Impact on Character

Any proposed scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the site's 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 Barnet Local Plan), D3 (London Plan). DM01 helps to protect Barnet's Character and amenity stating that development should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The proposed garage would be built along the boundaries with the rear garden belonging to No. 21 Margaret Road, and the rear and side boundaries to Mulberry Close. It would be used as a store for the owner's private vintage car collection and vintage furniture. As originally submitted, the proposal had a ridge height of 3.8 metres with a height at the eaves of 2.4 metres. This was considered to be unduly onerous in relation to the street scene and the neighbouring property at no. 21 Margaret Road, and amendments were sought.

As revised, the proposal would have a more modest ridge height of 3 metres, with a parapet at the eaves measuring 1.9 metres in height. Whilst the wider surrounding area is noted to be mixed in character, Nos 19, 21 and 23 Margaret Road are all characterised by their long rear gardens. The proposal as revised would be of a scale appropriate to an outbuilding in a residential garden and would not be unduly prominent in the street scene. The proposal is therefore seen to be a proportionate addition in its context, in keeping with the surrounding area and is found to accord with Policy DM01 of Barnet's Local Plan and the Residential Design Guidance SPD.

Impact on neighbouring Amenity

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy D3 and D6 (of the 2021 London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

With its revised modest size, the proposal would not be unduly overbearing in relation to 21 Margaret Road especially as it would be adjacent to the far end of the neighbouring garden and not close to the rear of the property where outdoor amenity activities most frequently take place. It is therefore not considered by officers to have any detrimental impact on the visual and residential amenities of the occupiers of that property.

It is therefore found to accord with policy DM01 of the Barnet Local Plan.

5.4 Response to Public Consultation

Any material considerations raised in the comments have been 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. This application is therefore recommended for APPROVAL.

Location Plan

