

**Location** Land Rear Of Danbury House 9 Sunningfields Road London NW4 4QJ

**Reference:** 22/2463/FUL Received: 9th May 2022  
Accepted: 9th May 2022

**Ward:** Hendon Expiry 4th July 2022

**Case Officer:** Will Collier

**Applicant:** C/O UPP

**Proposal:** Erection of 2no. garages and creation of 2no. rear car parking spaces to provide additional parking and communal amenity space for the main block of flats (AMENDED DESCRIPTION).

### **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:

Existing Block Plan, 009SF-A-03-001  
Existing Ground Floor, 009SF-A-03-003  
Existing Roof Plan, 009SF-A-03-004

Location Plan 009SF-A-01-001 revision uploaded 02.05.2023  
Front visualization 009SF-A-02-001 revision uploaded 02.05.2023  
Rear Visualization 009SF-A-02-002 revision uploaded 02.05.2023  
Proposed Block Plan 009SF-A-03-002 revision uploaded 02.05.2023  
Proposed Ground Floor Plan 009SF-A-03-103 revision uploaded 02.05.2023  
Proposed Roof Plan 009SF-A-03-104 revision uploaded 02.05.2023

Proposed Sections & Elevations 009SF-A-05-101 revision uploaded 02.05.2023  
Proposed Elevations 009SF-A-06-101 revision uploaded 02.05.2023  
Proposed Sections 009SF-A-06-102 revision uploaded 02.05.2023  
Proposed Swept Paths and Pedestrian Visibility Splays 23-025/001 rev A

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 external surfaces of the building(s) shall be as specified in the approved drawings and application form.

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 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies D4, D5, D8 and G7 of the London Plan 2021.

- 5 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or

commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and G5 and G7 of the London Plan 2021.

6 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and G7 of the London Plan 2021.

7 The use of the garages and parking spaces hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall be used only for parking by residents of Danbury House, 9 Sunningfields Road.

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).

8 a) No development shall take place until the implementation of a programme of archaeological evaluation has been secured in accordance with a written scheme which has been submitted by the applicant and approved by the Local Planning Authority in writing and a report on that evaluation has been submitted to the Local Planning Authority.

b) If heritage assets of archaeological interest are identified by the evaluation under a) above, then before development (other than demolition to present ground level) commences the implementation of a programme of archaeological investigation shall be secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.

c) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under b).

d) The development shall not be first occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under b), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To enable archaeological investigation of the site in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD 2016 and Policy HC1 of the London Plan 2021.

### **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**

## 91. Site Description

The application relates to land to the rear of 9 Sunningfields Road, where generous plot lengths create sizable rear outdoor space accessible from Sunningfields Road and Church Terrace at the rear. The main property at No 9 fronts Sunningfields Road and comprises a two-storey purpose built block of 8 flats. To the rear are two private amenity/garden spaces outside the rear of the flats, with shared garden/amenity space beyond.

The land to the rear forms the siting of this application which was originally designated for parking on approval of W12289/00 for redevelopment for flats in 2002. The rear parking was not provided.

## 2. Site History

Reference: 20/4174/FUL (appeal dismissed APP/N5090/W/21/3269040)

Address: 9 - 11 Sunningfields Road

Decision: Refused

Decision Date: 23 October 2020

Description: Erection of an outbuilding to the rear of both properties to provide ancillary office accommodation in conjunction with the main blocks of flats.

Reasons for refusal:

1. The outbuildings, by virtue of their size, siting, scale and use constitutes a disproportionate intervention, incongruous to the prevailing pattern of development.

The proposed use of the development is of two large structures accommodating a total of 6 separate office spaces, proposed as ancillary to the main dwellings. The proposal is not considered to provide an ancillary use only, given the large scale and rear access doors. This development therefore is considered to cause material harm to the established pattern of development of the local area.

The proposed use of the outbuildings as self-contained offices is incongruous with the modest scale of the rear garden of the host dwellings, as well as introducing a form of development to Church Terrace that would appear as more of a commercial use.

Therefore this proposal is contrary to Policy 7.4 of the London Plan (2016), Policies CS1 and CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policy DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and Residential Design Guidance SPD (2016).

2. The outbuildings by virtue of their use, size, scale and siting as well as the level of activity, constitutes a visually obtrusive development in the outlook from the rear habitable windows of the flats at 9-11 Sunningfields Road and to neighbouring occupiers on Sunningfields Road, to the detriment of the visual and residential amenities of neighbouring occupiers. The proposal would therefore fail to comply with the National Planning Policy Framework 2012, Policy 7.4 of the London Plan (2016), Core Strategy Policies CS1 and CS5, Development Management Policies DM01 and DM02, the Residential Design Guidance SPD (Adopted 2016) and Sustainable Design and Construction SPD (Adopted 2016).

3. Insufficient information regarding the impact on neighbouring trees has been submitted. In the absence of this information or a scheme of appropriate tree loss mitigation, the development is likely to cause harmful impact on adjacent trees. The

development would be contrary to Policy 7.21 of the London Plan (2016), and Policy DM01 of the Development Management Policies DPD (2012).

Reference: 20/1933/FUL

Address: 9 - 11 Sunningfields Road

Decision: Withdrawn

Decision Date: 7th August 2020

Description: Erection of an outbuilding to the rear of both properties to provide ancillary office accommodation in conjunction with the main blocks of flats.

Reference: 19/1743/FUL (APPEAL

Address: Land Rear Of 9-11 Sunningfields Road

Decision: Refused

Decision Date: 17th July 2019

Description: Erection of 2no two storey dwellings. Associated parking, refuse/recycling and cycle store.

Reasons for refusal:

1. The proposed development of two detached dwellinghouses, would introduce residential use to the rear gardens of 9 and 11 Sunningfields Road which is out of character with the nature and use of the rear of properties along Church Terrace. The dwellings, due to their size, footprint, massing and small plot size, would appear as an incongruous and cramped form of development, which would have material harm to the established pattern of development of the local area. The proposal is contrary to the adopted London Plan (2016), Policy CS5 of the Barnet's Local Plan (Core Strategy) DPD and Policies DM01 of the Barnet's Local Plan (Development Management Policies) DPD (both adopted September 2012), SPD: Sustainable Design and Construction (Adopted 2016) and SPD: Residential Design Guidance (Adopted 2016).

2. The proposed dwellinghouses would fail to provide a sufficient level of privacy for the rear facing habitable rooms as a result of the close proximity of rear windows to the rear of 9 Sunningfields Road. The proposal is contrary to the adopted London Plan (2016), Policy CS5 of the Barnet's Local Plan (Core Strategy) DPD and Policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD (both adopted September 2012), SPD: Sustainable Design and Construction (Adopted 2016) and SPD: Residential Design Guidance (Adopted 2016).

3. The proposed dwellinghouses, due to their close proximity to the rear gardens of 9 and 11 Sunningfields Road and the rear facing windows of 9 Sunningfields Road would have an unacceptable impact on the privacy of the neighbouring gardens and windows, which would be detrimental to the living conditions of these occupiers. Furthermore, the proposal results in a loss of garden space for the existing developments at 9 and 11 Sunningfields Road, which, in the absence of information on the occupiers of these units, would be detrimental to the amenity and outdoor provision for these occupiers. The proposal is contrary to the adopted London Plan (2016), Policy CS5 of the Barnet's Local Plan (Core Strategy) DPD and Policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD (both adopted September 2012), SPD: Sustainable Design and Construction (Adopted 2016) and SPD: Residential Design Guidance (Adopted 2016).

Reference: 16/5807/191

Address: Flat 2 Danbury House

Decision: Lawful

Decision Date: 31 October 2016

Description: Use of property as 2no self-contained flats

Reference: W12289/00

Address: 9 Sunningfields Road London NW4 4QR

Decision: Approved subject to conditions

Decision Date: 11 January 2002

Description: Demolition of existing building and construction of replacement 2/3 storey building comprising eight flats with forecourt parking for three cars and rear parking for 8 cars.

### **3. Proposal**

The proposal is for 2 no. garages and creation of 2no. rear car parking spaces to provide additional parking and communal amenity space for the main block of flats.

The proposal has been amended during the application, reducing the number of garages from 3 to 2 and extending the hardstanding closer to the rear of the block of flats in order to create more turning space for the garages.

### **4. Public Consultation**

Consultation letters were sent to 112 neighbouring properties. A further consultation period from 14th September to 6th October followed an amendment to the scheme. Over the course of both consultation periods, a total of ten objections was received and one support. The issues raised in the objections were as follows:

- o The development could be converted to residential.
- o Rear access road is too narrow for emergency vehicles.
- o Vehicles using the access road would clash with school children and pedestrians, as it is a well used path providing access to Sunnyhill Park.
- o Increase access to the gardens doesn't depend on providing further garages.
- o Unwanted precedent.
- o Harm to character
- o Application is misleading - the rear has been area has been sectioned off preventing use for parking or recreational purposes.
- o Hardstandings are sufficient and can be provided with electrical charging points at the front and back.
- o Pollution and traffic congestion
- o Loss of open space
- o No need for garages
- o Application form incorrectly states there will be no loss of garden land.
- o Area is already overdeveloped
- o Community cannot support further development.
- o The land which is subject to this application is in an Archaeological Priority Area; Historic England may wish to consider an archaeological condition

One support received:

- o Provides additional parking and amenity space.

### **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 Government's 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, DM06, 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 (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**

The issues in assessing the application are:

- Impact on character
- Impact on neighbours
- Impact on trees
- Highway safety

- 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).

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.

The proposal has been amended to reduce the number of garages from three to two. The footprint of the amended building is 45 sq metres (6.9m x 6.35m). It is 2.6 metres high with flat roof. The proposal also includes hardstanding for two additional parking spaces.

In comparison to the previous proposal for office accommodation which was refused (20/4174/FUL), the proposed outbuilding would be smaller, with a footprint of 45 sq metres (previously 54 sq metres). It would also be sited closer to Church Terrace, approximately 4.5 metres away.

A further consideration is whether the use and scale of the building can be considered ancillary to the flats. Here it should be noted that the previous proposed office accommodation was refused for a number of reasons including not being ancillary to the residential units due to its scale and use. By contrast, this proposal for garages would appear to have a connection to the flats, and has a smaller footprint. Furthermore it is not unusual for parking or garages to be located at the back of the plots along this terrace. Indeed, 8 parking spaces were approved at the rear under W12289/00 for the flats. Furthermore, this was noticed by the inspector in the last appeal decision: "Parking and garages on neighbouring sites similarly appear used in connection with the buildings fronting Sunnyfields Road and thus form part of their overall setting" (para 9. APP/N5090/W/21/3269040). Taking these considerations into account, the proposed garages and parking spaces are considered ancillary. A condition is proposed to ensure this remains the case.

In conclusion it is assessed the scale and proportion of the proposed garage would be acceptable and ancillary in nature given its smaller footprint than the previous scheme and alternative use of garage/parking use.

- 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.

The garage outbuilding is 2.6 metres high, located towards the rear of a generous plot. Given its height and scale and spaciousness of the plot, it is not considered to cause adverse loss of outlook, privacy or light to neighbouring properties.

The private shared rear garden space would remain similar in terms of overall provision/area as approved under W12289/00 for the 8 flats at 9 Sunningfields Road.

- Impact on trees.

The impact of the proposal on trees is considered to be similar to that of the previous planning application. Thus the tree comments are the same:

"This proposal is a similar sized footprint to the application 19/1743/FUL and 20/1933/FUL that was refused for a number of reasons, but not for loss of trees.

There are a few low quality trees within the site and on the boundary. Trees are growing on the boundaries and would be impacted by the proposal. The size and quality of these trees do not merit special protection. However, they do add significantly to the character of the area and provide a much softer boundary to the open space on the adjoining land.

It is not clear from the submission who owns these trees. To mitigate the impact of these two 'outbuildings' on neighbouring gardens and open space a detailed landscape plan must be provided.

No arboricultural information has been provided to support this application."

Given that trees on site are not worthy of a Tree Preservation Order, it is considered that details of an arboricultural method statement and new landscaping scheme can be secured via a condition.

- Highways and parking provision.

Highways were consulted and requested a swept path analysis of the garages. This information has been provided and approved by Highways. There are no objections from Highways subject to conditions.

Whilst 8 parking spaces at the rear were originally approved under W12289/00 for the flats at 9 Sunningfield Gardens, this would now be only 4 spaces in total at the rear. Given no objections from Highways, that the rear parking spaces approved under W12289/00 were never formally implemented, and the existing provision of parking at the front of the property, officers consider this to be acceptable.

## **5.4 Response to Public Consultation**

Material considerations raised in the objections have been addressed in the report. Further responses to comments are provided below.

- o The development could be converted to residential.  
Response - the application is assessed based on the proposal described in the application.
- o Rear access road is too narrow for emergency vehicles.  
Response - No objections from Highways concerning highway and pedestrian safety.
- o Vehicles using the access road would clash with school children and pedestrians, as it is a well used path providing access to Sunnyhill Park.
- o Response - No objections from Highways concerning highway and pedestrian safety. Furthermore, rear access to access car parking at the rear of the property was considered acceptable for the approval of the flats at 9 Sunningdale (W12289/00).

o Unwanted precedent.

Response - precedent already set by other rear garages/outbuildings and parking spaces at the rear of neighbouring properties.

o Loss of open space

Response - the amended scheme has been reduced in size and is ancillary in nature and scale, with sufficient amenity space for the flats.

o Archaeology - a condition is recommended for further investigation as necessary

## 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.



