

Location **59B Golders Gardens London NW11 9BS**

Reference: **23/1273/FUL** Received: 22nd March 2023
Accepted: 30th March 2023

Ward: Childs Hill Expiry 25th May 2023

Case Officer: **Daniel Wieder**

Applicant: Nisha and Raveena Soni

Proposal: Erection of an ancillary rear outbuilding [Amended Plans/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:

GG-R00-EX-101 Site Location Plan
GG-R01-PR-101 Rev R02 Proposed Block Plan
GG-R01-PR-102 Rev R02 Proposed Outbuilding Plans & Elevations

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.

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 The development shall be implemented in accordance with the materials detailed within the application form and in accordance with approved plans GG-R01-PR-102 Rev R02 Proposed Outbuilding Plans & Elevations.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed 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) and Policy D4 of the London Plan 2021.

- 5 Before the building hereby permitted is first occupied the proposed window in the rear elevation facing No 45 Woodstock Avenue shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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) and the Residential Design Guidance SPD (adopted October 2016).

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. 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 concerns the rear garden area demised to the first floor flat, No 59B Golders Gardens, within the ward of Childs Hill.

The surrounding area is primarily residential and consists of two-storey semi-detached properties of similar architectural styles.

There is parking to the forecourt of the site, and amenity space to the rear.

There are no protected trees on site, nor does the application site lie within a conservation area or contain a locally or statutory listed building.

The site has a PTAL of 2 and is located in Flood Risk Zone 1 (low risk).

Officers carried out a site visit on the 22nd of May 2023.

2. Relevant Planning History

Reference: 18/7518/FUL

Address: 59A And 59B Golders Gardens

Decision: Approved subject to conditions

Decision Date: 21.02.2019

Description: Two storey rear extension. New side dormer and rear dormer window

Reference: 18/7017/191

Address: 59 Golders Gardens NW11

Decision: Lawful

Decision Date: 29.11.2018

Description: Use as 2no self-contained flats

Reference: C02296

Address: 59 Golders Gardens NW11

Decision: Approved subject to conditions

Decision Date: 11.09.1969

Description: Conversion into two self-contained flats.

Reference: C02296

Address: 59 Golders Gardens NW11

Decision: Refused

Decision Date: 21.01.1969

Description: Conversion into two self-contained flats.

3. Proposal

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

Throughout the lifetime of the application the proposed outbuilding has been amended.

As amended the outbuilding would have a width of 5.8m, a depth of 3.1m, supporting a flat roof with a height of 2.5m and 2no. skylights. The outbuilding would contain a gym, office, and WC, to be used ancillary to the upper flat, with a footprint of 18sqm.

The outbuilding has been reorientated so that the 'front' elevation, with the entrance door and fenestration is facing north-east towards the side boundary with No 57.

The tree adjacent to the rear boundary is proposed to be removed as part of the development.

The external walls of the proposed outbuilding is to be rendered in white.

4. Public Consultation

Consultation letters were sent to 6 neighbouring properties.

3 responses have been received, comprising 3 letters of objection.

The objection received can be summarised as follows:

- Bulk, scale of the outbuilding unacceptable
- Overshadowing
- Overlooking & loss of privacy
- Increased parking stress
- Increased noise and disturbance
- Loss of tree harmful to visual amenity
- Use of the building as a self-contained dwelling unacceptable and contrary to policy
- Will set precedent for back land development.

Following amendments to the proposal, subsequent neighbour consultations were carried out between 01/09/2023 - 15/09/2023, and from the 05/10/2023 - 19/10/2023.

5 responses have been received, comprising 5 letters of objection.

The objection received can be summarised as follows:

- General statement of objection
- Overdevelopment
- Loss of tree harmful to area and impact on neighbouring foundations
- Outbuilding is a potential dwelling with associated impacts of parking, noise etc.
- Direct overlooking to ground floor flat rear windows and garden.

The applications thus received objections from 6 individuals and is therefore recommended to be determined at planning committee.

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 first published on 27 March 2012 and updated on 24 July 2018, 19 February 2019, 20 July 2021 and 5 September 2023. 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.
- Impact on Trees

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), D4 and D5 of the London Plan 2021.

The Residential Design Guidance SPD states that extensions should normally be

subordinate to the original property, 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 regard to back garden buildings, the Residential Design Guidance SPD advises as follows:

"Back garden buildings

14.40 In general, rear garden walls and fences should not exceed 2 metres to protect views and daylight. 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.

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."

Throughout the lifetime of the application the scale of the proposed outbuilding has been amended and reduced.

As revised, the outbuilding would measure a width of 5.8m, a depth of 3.1m - a footprint of 18sqm, supporting a flat roof with a height of 2.5m and 2no. skylights.

It is considered that an outbuilding at this scale is not unusually large nor significantly out of character with the surrounding area.

As initially proposed, the outbuilding included elements of a self-contained residential unit and a number of the initial public objections pertained to this use.

Officers concur that a self-contained residential unit at the rear of a garden would be contrary to policy and unacceptable. Following amendments the footprint of the outbuilding has been reduced significantly in scale, to no more than 18sqm, and would contain a small gym, office, and WC, to be used ancillary to the main dwelling. A condition will be attached to ensure that the outbuilding remains used ancillary to the main dwellinghouse and not as a residential unit.

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.

Trees

The importance of trees, ecology and landscape is recognised at every policy level, Nationally NPPF chapter 15; regionally London Plan policy G6 and locally within Barnet Council's adopted policies DM01, DM04, DM15 & DM16 all require developers to consider, trees, ecology and landscape which builds biodiversity.

The proposed development includes the removal of the existing tree at the rear of the garden. Though the benefits of retaining the tree are numerous and clear, in consultation with Barnet's Tree officers, they have confirmed that the existing tree would not likely merit

a Tree Protection Order. As the tree is on private land, and would not warrant a TPO, the tree could be lawfully felled without seeking consent outside the parameters of this planning permission.

As such, the LPA do not consider that the loss of this tree would warrant a reasonable refusal of the proposal in this regard.

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.

Throughout the lifetime of the application the scale and height of the outbuilding has been amended. As currently proposed the outbuilding would have a flat roof with a height of c2.5m.

It is considered that a height of 2.5m is generally appropriate for an outbuilding (and indeed what would be lawful under permitted development for a single family dwellinghouse to implement) and would not result in an overly harmful impact on the amenity of the neighbouring occupiers such that would warrant refusal.

Sufficient outdoor amenity space will be retained for the occupiers of Flat 59B in line with minimum Outdoor Amenity Space Requirements for flats of 5sqm per habitable room.

Concerns have been raised that the fenestration of the outbuilding would give rise to direct overlooking and loss of privacy to the occupiers of the ground floor flat of No 59, in part due to the low 1.3m height of the boundary fence.

In light of this concern, the outbuilding has been reorientated, so that the fenestration faces the rear garden area of No 59b and the rear section of the boundary fence with No 57. Officers are satisfied that the outbuilding would thus not give rise to harmful direct overlooking or loss of privacy to the occupiers of the ground floor flat.

In assessment, officers are satisfied that the development is not considered to prejudice the residential amenities of neighbouring properties in terms of loss of light, outlook and privacy; therefore, in this regard, it is in compliance with Policy DM01 of Barnet's Development Management Policies DPD.

5.4 Response to Public Consultation

- The main planning considerations have been addressed within the body of the report.
- As amended the footprint, size and height of the outbuilding is considered to be acceptable.
- The revised outbuilding would be used ancillary to the main dwellinghouse, and a condition attached to ensure it is not used as a self-contained residential unit.

- The loss of the tree has been addressed in the report above.
- The outbuilding has been reorientated so as not to give rise to direct overlooking to neighbouring rear windows.

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 adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



Location map

1 : 1250