

**Location** **62 Hervey Close London N3 2HJ**

**Reference:** **23/2853/RCU** Received: 3rd July 2023  
Accepted: 5th July 2023

Ward: West Finchley Expiry 30th August 2023

**Case Officer:** **Emily Palmer**

Applicant: Prof Paul Davis

Proposal: Erection of a bicycle storage shed (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:

Block Plan and Bike Store Elevations  
Site Location Plan

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).

## **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 two-storey terraced property located on the north side of Hervey Close. The application site is residential in character within the West Finchley Ward.

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.

### **2. Site History**

Reference: 15/04156/HSE

Address: 62 Hervey Close, London, N3 2HJ

Decision: Approved subject to conditions

Decision Date: 24 August 2015

Description: Demolition of existing garage, erection of new garage with a roof lantern, and creation of new subterranean room to provide ancillary living space underneath garden and new garage

Reference: F/04112/12

Address: 62 Hervey Close, London, N3 2HJ

Decision: Lawful

Decision Date: 13 November 2012

Description: Single storey rear extension.

Reference: F/01424/09

Address: 62 Hervey Close, London, N3 2HJ

Decision: Lawful

Decision Date: 9 June 2009

Description: Extension to roof including rear dormer windows to facilitate a loft Conversion

### **3. Proposal**

The application seeks permission for an erection of a bicycle storage shed (Retrospective Application)

It has a depth of 1.43 metres, a width of 2.03 metres and a maximum height of 1.5 metres.

### **4. Public Consultation**

Consultation letters were sent to 4 neighbouring properties. 11 responses have been received in the form of objections. 5 responses were received from 3 properties. 6 further responses were received but respondents did not provide full postal addresses. The responses are summarised below:

- Concerns over the size of the structure
- Concerns over not adhering to the regulations of front garden aesthetics
- Unfair as objector's shed was deemed illegal, council to pay costs associated with previous setback.
- Object to having such sheds or storages in front gardens in the surrounding area, as they are undesirable
- Sets precedence for other properties on the street to do the same - potential adverse effects on road safety and the overall aesthetics of the area.
- The structure's excessive size, height, pitched design, and inappropriate siting are causing a significant obstruction to my line of sight and potentially endangering the safety of vehicle users.
- As of our observations, the shed in question has not been utilised for bike storage purposes. Back garden accessible through the back private road can be use to store bikes.
- Unappealing appearance

The applicant has raised queries about the authenticity of 6 of these and considers that they have been written fraudulently in order to seek to influence the planning decision here.

Members should be aware that the Planning Service have a protocol in place to deal with these, thankfully rare, instances whereby claims are made about the legitimacy of submissions made to us. It is important to note that this type of "fraud," if there is any, is not against the Council itself but is, instead, an attempt to manipulate the decision-making process by, it is presumed, increasing the level of objections (or support) that a proposal might have in an attempt to influence the decision-maker. As a result, it would not be something that Officers in the anti-fraud Service of the Council would look into.

As the Local Planning Authority, the Planning Service have a duty to formally determine the planning proposals submitted to it. There are not the resources to undertake investigations when the legitimacy of comments received is raised, so a sense check of

the representations received and, where an application is to be determined at the Council's Planning Committee, a section in the report outlining that there have been queries made in relation to some of the comments received is the approach taken. The concerns about them are set out for Members to see and it is for them to decide how much weight to attach to those comments when it comes to weighing up the material planning considerations raised by the proposal. As Members will see in the report below, Officers believe that having taken all those considerations into account, the planning application should be recommended for approval.

## **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 updated on 5th 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, is indivisible from good planning, and should contribute positively to making places better for people'. 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 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 for the next 20-25 years. 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 (2021)

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.

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 -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan.

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.

## **5.2 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**

#### 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 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).

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.

Although the proposed bike shed would be visible from the street scene, officers are satisfied that it would not be obtrusive to the applicant site, and is not considered to harm the character of the existing house or street scene. The proposal is acceptable in relation to the host property and the wider context.

In the lifetime of this application, the highways team were consulted who said the unit was too small. However, the bikes fit into the shed, and on balance, officers are satisfied with the size of the shed as a larger one would be more imposing.

The overall proposal is therefore acceptable in design terms, with the height, mass and scale appropriate to the plot and to the adjacent properties.

#### Whether harm would be caused to the living conditions of neighbouring residents and future occupiers

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local 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 not found that the proposals would be detrimental to the amenities of the neighbouring residents in terms of daylight, sunlight and overshadowing, noise, disturbance, light pollution, outlook, overlooking, loss of privacy, visual impacts and overbearing relationships. Although the shed is next to the boundary with no. 60 Hervey Close, it is not adjacent to the house and is not considered to unduly affect outlook such as to be detrimental to the amenities of the occupiers of no. 60.

### **5.4 Response to Public Consultation**

N/A

## **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.

