

- 2 The materials to be used in the external surfaces of the building(s) shall match those specified in the application documents.

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 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 Prior to commencement of works to construct the hereby approved outbuilding, an "Agreement in Principle" (AIP) for the construction of the rear boundary wall adjacent to the footway on Nether Street shall be submitted to and approved by the local highway authority. The retaining boundary wall shall be constructed in accordance with the approved AIP and traffic management plan.

Reason: To ensure a satisfactory appearance and general safety on the public highway, in accordance with Policy CS9 of the Barnet Local Plan Core Strategy (Adopted) September 2012 and policies DM01 and DM17 of Development Management Policies DPD (Adopted) September 2012.

- 5 Prior to occupation of the development, the applicant shall renew the section of the footway on Nether Street adjacent to the rear boundary of the site following the construction of the rear boundary wall. A s184 licence will need to be obtained by the applicant for all works on the public highway.

Reason: To ensure a satisfactory appearance and general safety on the public highway, in accordance with Policy CS9 of the Barnet Local Plan Core Strategy (Adopted) September 2012 and policies DM01 and DM17 of Development Management Policies DPD (Adopted) September 2012.

- 6 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.

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.

- 2 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition

survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 3 Surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein
- 4 Failure to proceed with the development and submit an application to discharge the pre-commencement condition in a timely manner will result in enforcement action being taken.

OFFICER'S ASSESSMENT

1. Site Description

The application site consists of a semi-detached property to the east of Courthouse Gardens.

The site is not located within any Conservation Area, nor does it contain or lie in close proximity of any Listed Building. It does fall within the area of the West Finchley Neighbourhood Plan.

2. Site History

Reference: 23/2458/HSE

Address: 2 Courthouse Gardens London N3 1PX

Decision: Approved Subject to Conditions

Decision Date: 02.01.2024

Description: Part retention of single storey front, side and rear extension following the demolition of garage and the removal of the front canopy and its supporting columns (Amended Description)

3. Proposal

This application seeks approval for the 'Reduction in level of rear garden and erection of a rear outbuilding.'

During the life of the application the description was amended to reflect the works that had been undertaken on site.

The proposal involves the excavation of the rear garden by 2.3m to facilitate the outbuilding. A retention wall and foundation has been proposed to support the structure.

The proposed outbuilding would measure 3.4 in depth on the side along the common boundaries between the neighbouring no.4 Courthouse Gardens and Ailsa (2a Courthouse Gardens), a width of 6.4m along the rear boundary line of the property. The total footprint of the outbuilding would be 25.1sqm. The application form states the walls will be timber clad.

4. Public Consultation

Consultation letters were sent to 5 neighbouring properties.

5 objections were received to the original application, including from the West Finchley Residents Association. Following receipt of amended plans, a further consultation was undertaken to which 7 objections were received (3 new objectors)

The objections can be summarised as follows:

- The works undertaken without permission should be removed, and the building be reinstated to its former state.
- Works have already been carried out and has resulted in collapsing the pavement on Nether Street.
- Damage to Nether Street has resulted in the pavement being closed off as unsafe.
- The works described in this application should be assessed as a material amendment to 23/2458/HSE, and the entire construction project should be rejected for the reasons extensively stated in the objections to that application.
- It is not clear from the revised documents what is their purpose and whether it changes this application. A further document outlining the changes has not been provided.
- The revised site section drawing 23.100.BR.016 rev 02 does not accurately reflect the existing state of the footpath on Nether Street which has suffered a material drop in level and is cordoned off to avoid any risk of injury to pedestrians.
- The revisions of this application do not consider restoring or preventing further damage to the embankment and subsidence to the public highway at the rear of this site (Nether Street), as a result of extensive excavations (Planning Enforcement case reference ENF/0730/23) without which the risks remain.
- This application and application 23/2458/HSE do not confirm that the total development in both applications does not exceed 50% of the total area of the original rear garden.
- The substantial excavations to the embankment removed planting that has no doubt contributed to the damage to the embankment and subsidence of the public highway.
- This application is assessed as a material amendment to 23/2458/HSE.
- It is disturbing to me that the developers began the project without a proper environmental impact assessment or an understanding of the physical geography of the local area.

- As a site plan has not been submitted, it is difficult to assess how much of the garden will be left - bearing in mind that a single storey extension has been added to the rear of the main house. This outbuilding should not be too large or significantly reduce the size of the garden to become out of character in the area. The main house has potential to be a 5 bedrooed dwelling and as such, it should have sufficient outside space to adequately enhance the resident's quality of life.
- I do not understand what is being revised. There does not seem any difference between the last plans and the so-called revised plans.

4.1 Internal Consultation

Highways and Transportation - Highways would raise no objection to the proposed building. However the building is close to the boundary wall supporting the Nether Street footway. As a result an 'Agreed in Principle' is requested to ensure the design of the boundary retaining wall is acceptable. The applicant will be liable for any damage to the adjoining footway resulting from the development works. To conclude, Highways would raise no objection subject to conditions.

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 revised National Planning Policy Framework (NPPF) was published on 19th December 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 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.

Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5,
Relevant Development Management Policies: DM01, DM02, DM17

Barnet's New Local Plan (Reg 24)

Barnet's Draft Local Plan - Reg 24: The Reg 22 version of the draft new Local Plan was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan underwent an Examination in Public (Reg 24). The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites.

As part of this stage (Reg 24), the Inspector in his Interim Findings and Next Steps letter of August 17th has set out how the Council can through making Main Modifications to the Local Plan address issues of legal compliance and deficiencies in soundness. These interim findings are a clear indication of what the Local Plan and the policies and site proposals within will look like at adoption, subject to making the Inspector's suggested Main Modifications. Whilst the Council moves forward to formal consultation on the Main Modifications (expected to commence in January 2024) the Interim Findings and Next Steps letter of August 17th shall be considered, in the interim, a relevant material consideration in the Council's decision making on planning applications.

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)
West Finchley Neighbourhood Plan (Adopted June 2021)

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 site, the street scene and the wider locality.
- Whether harm would be caused to the living conditions of neighbouring residents;
- Highway impact.

5.4 Assessment

Whether harm would be caused to the character and appearance of the site, the street scene and the wider locality.

Development proposals must represent high quality design, preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. This ensures that the development addresses the requirements of Policies DM01, CS05 (Barnet's Local Plan), Policies D3 and D8 of the

London Plan and the NPPF.

The proposal involves the excavation of the rear garden by 2.3m to facilitate the outbuilding. A retention wall and foundation has been proposed to support the structure.

The proposed outbuilding would be sited at the rear. The proposed outbuilding would measure 3.4 in depth on the side along the common boundaries between the neighbouring no.4 Courthouse Gardens and Ailsa (2a Courthouse Gardens), a width of 6.4m along the rear boundary line of the property. The total footprint of the outbuilding would be 25.1sqm. The outbuilding would support a flat roof with a maximum height of 2.5m and would facilitate a gym and bathroom.

It should be noted that the proposed outbuilding under this application would not fall under the remit of permitted development due to the associated level changes.

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."

From aerial imagery it can be seen that other properties in the area also benefit from outbuildings to the rear garden and therefore the proposed development is not considered to be detrimental to the character of the surrounding area. The scale of the outbuilding is such that it is considered to be a proportionate addition to the house and garden. Taking into account the cumulative impact with the single storey extensions approved in application 23/2458/HSE, officers consider that a reasonably large rear garden is retained and that the character and appearance of the site would not be unduly affected. A landscaping condition is proposed to ensure some replacement planting within the site.

The proposed outbuilding would facilitate a gym and bathroom, it should be noted that the use of the outbuilding shall remain ancillary to the main dwellinghouse.

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. It is considered that the development does not conflict with the policies contained in the West

Finchley Neighbourhood Plan.

Whether harm would be caused to the living conditions of neighbouring residents

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.

The scale and height of the outbuilding is considered to be of a moderate scale. As currently proposed the outbuilding would have a flat roof with a height of 2.5m. It is considered that a height of 2.5m is generally appropriate for an outbuilding 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 2 Courthouse Gardens in line with minimum Outdoor Amenity Space Requirements for houses of 85sqm for up to 7 or more habitable rooms.

Officers are satisfied that the outbuilding would thus not give rise to harmful direct overlooking or loss of privacy to the neighbouring properties.

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.

Highway impact

Policy DM17 mandates that the council will ensure that the safety of all road users is taken into account when considering development proposals and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users.

Throughout the lifetime of the application the development description has been amended to reflect the works carried out. The proposed plans include a retaining wall and foundations to support the excavation and address subsidence of the Nether Street pavement.

Officers have received a formal internal response from Highways and Transportation officers which acknowledges works being carried out under this application. Highways would raise no objection to the proposed building. However, the building is close to the boundary wall supporting the Nether Street footway. As a result, an "Agreed in Principle" is requested to ensure that the design of the boundary retaining wall is acceptable. Also, the applicant will be liable for any damage to the adjoining footway resulting from the development works.

Highways have proposed conditions to be added to any permission to secure the remedial

works required to address the subsidence that has occurred on the Nether Street pavement.

Taking these comments into consideration, the Local Planning Authority therefore considers that the proposed development would have an acceptable impact on the surrounding the highway network, in compliance with DM17.

5.5 Response to Public Consultation

Have been addressed in the body of the report.

6. Equalities and Diversity Issues

The proposals do 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, the application is therefore recommended for APPROVAL subject to conditions.

