

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 23rd September 2014

Report of

Assistant Director, Planning,
Highways & Transportation

Contact Officer:

Andy Higham 020 8379 3848
Sharon Davidson 020 8379 3841
Mr H Heywood 020 8379 3013

Ward:

Cockfosters

Ref: P13-02505PLA

Category: Householder

LOCATION: 17, Grosvenor Gardens, London, N14 4TU

PROPOSAL: Erection of outbuilding in rear garden for use as gym, ancillary to residential dwelling (RETROSPECTIVE).

Applicant Name & Address:

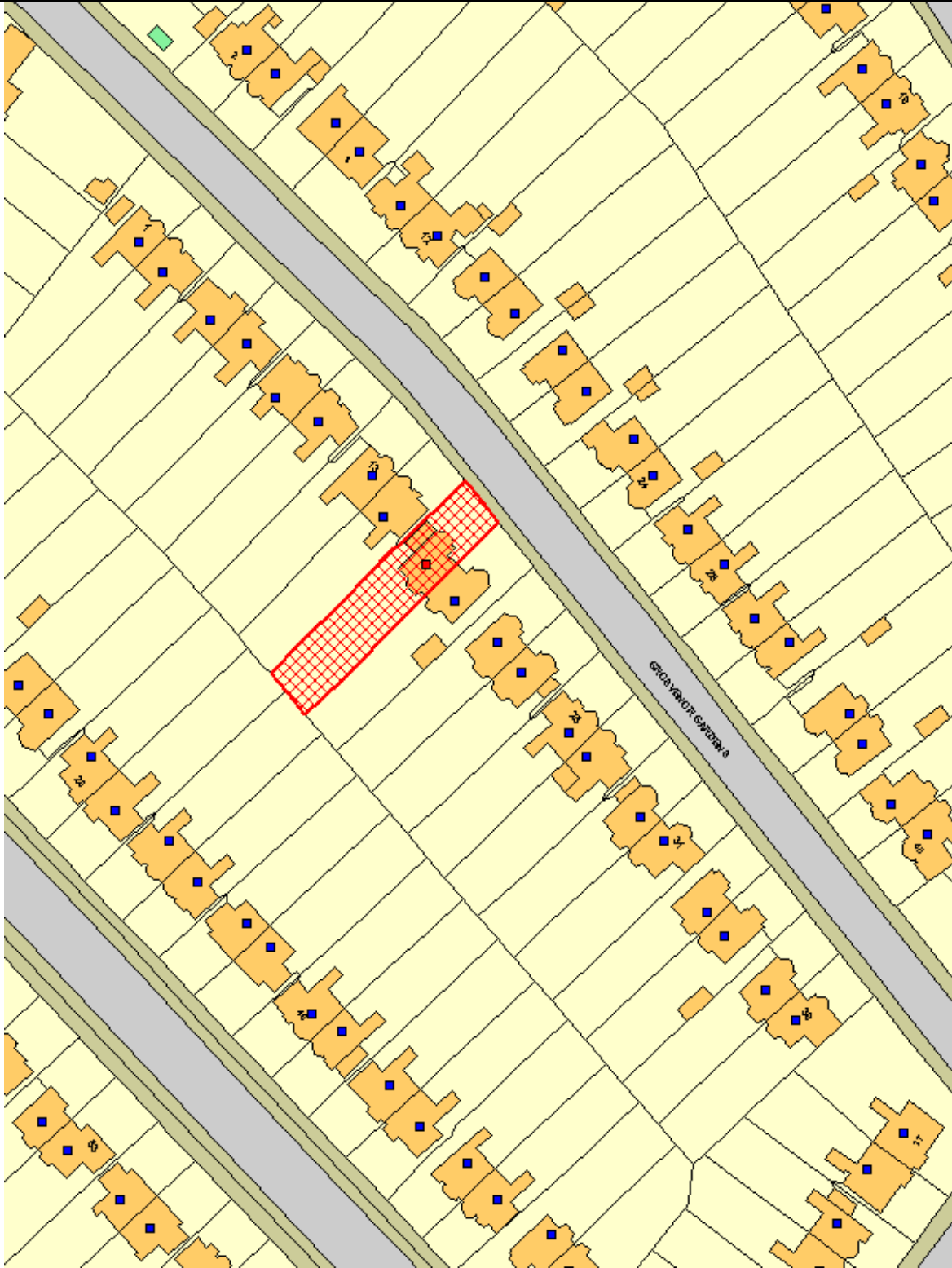
Mr Hercules Eracli
17, Grosvenor Gardens,
London,
N14 4TU

Agent Name & Address:

Mr Antoni Kudos Plan & Design
17, Grosvenor Gardens,
London,
N14 4TU

RECOMMENDATION:

That planning permission is **GRANTED** subject to conditions.



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Scale 1:1250



1 Site and Surroundings

- 1.1 The property 17 Grosvenor Gardens is a two storey semi-detached house. The surrounding area is residential in terms of its character. Grosvenor Gardens slopes quite steeply with No 15 Grosvenor Gardens sited on a higher level than the application property and No.19 at a lower level.

2 Proposal:

- 2.1 The application seeks retrospective planning permission for the retention of a flat roofed, single storey outbuilding, which has been constructed in the rear part of the garden. It is sited 0.53 metres from the rear boundary, with 0.48 metres and 0.80 metres from the two side boundaries. The building is sited approximately 18m from the rear wall of the single storey rear extension.
- 2.2 The "L" shaped building has dimensions of 7.2 metres in width, a maximum of 6.1 metres in depth and 3.1 metres in height from ground level (including the plinth on which it sits). The building has been painted white and is used as a domestic gym for the personal use only of the applicants.

3. Relevant Planning Decisions:

- 3.1 INV/13/0244 – Enforcement investigation regarding the outbuilding built. This has resulted in the retrospective planning application currently submitted.
- 3.2 P13-02858LDC – An application to establish whether it would be lawful to use the original integral garage by the residential occupier for beauty treatments. This application was withdrawn. At a site visit on 10th September 2014 the applicant confirmed that whilst some equipment has been installed in the room it is not presently used.

4. Consultations

4.1 Statutory and non-statutory consultations:

- 4.1.1 None required.

4.2 Public

- 4.2.1 Consultation letters were originally sent to four neighbouring properties. Six letters of objections have been received, which raise the following issues:
- Levels raised in the garden and the building sits on top of the raised patio area.
 - Loss of privacy
 - Anyone inside/using the building can see over the fence
 - Structure has caused damage to the fence
 - Poor drainage
 - Light attached to the building causes a nuisance
 - The building is used for business purposes
 - The building is too large for the garden
 - Will set a precedent for similar structures in the gardens

- The applicant has converted the garage, created a second front door with an additional doorbell.
- Introduction of a business will set a precedent, increase traffic and add to parking pressures.

4.2.2 One letter of support has been received from a local resident speaking to the character of the applicants.

5. Relevant Policy

5.1 The National Planning Policy Framework (NPPF) published in March 2012 allowed Local Planning Authorities a 12 month transition period to prepare for the full implementation of the NPPF. Within this 12 month period Local Planning Authorities could give full weight to the saved Unitary Development Plan policies (UDP) and the Core Strategy, which was adopted prior to the NPPF. The 12 month period has now elapsed and as from 28th March 2013 the Council's saved UDP and Core Strategy policies will be given due weight in accordance to their degree of consistency with the NPPF.

5.2 The Development Management Document (DMD) policies have been prepared under the NPPF regime to be NPPF compliant. The Submission version DMD document was approved by Council on 27th March 2013 and has now successfully been through examination. It is expected that the document will be adopted at full Council in November 2014. The DMD provides detailed criteria and standard based policies by which planning applications will be determined, and is considered to carry significant weight.

5.3 The policies listed below are considered to be consistent with the NPPF and therefore it is considered that due weight should be given to them in assessing the development the subject of this application.

5.4 London Plan

Policy 7.4 Local Character

5.5 Core Strategy

CP30 – Maintaining and improving the quality of the built environment

5.6 Unitary Development Plan (UDP)

- (II) GD3 – Character and design
- (II) H8 – Privacy and overlooking

5.7 Submission Version – Development Management Document

- DMD12 – Outbuildings
- DMD 37 – Achieving high quality and design led development

5.8 Other Relevant Policy

National Planning Policy Framework

6.0 Analysis

6.1 The main issues to consider with this application relate to the impact of the outbuilding on the character and appearance of the area and the residential amenities of the occupants of the adjoining properties, having regard to the policies referred to above.

6.2 Impact on the character and appearance of the area

6.2.1 The single storey flat roofed outbuilding, which is painted white, is relatively modest in scale and appropriate in design for this type of domestic building within a rear garden.

6.2.2 The design and appearance of the outbuilding is not out of character with the domestic garden setting and it does not cause harm to the wider character or appearance of the area. The proposal is in line with policies (II) GD3 of the UDP, Policy CP30 of the Core Strategy and Policies DMD12 and DMD 37 of the Submission version Development Management Document.

6.3 Impact upon neighbouring amenities

6.3.1 The single storey domestic outbuilding is located at the end of the rear garden and sits on a raised patio. The front wall of the outbuilding is sited at least 18m away from the rear wall of the single storey extension to the rear of No.17. Given its size and siting, it does not have a detrimental impact upon the amenities of the occupants of the adjoining properties in terms of light or outlook.

6.3.2 The outbuilding does not have any windows in the side elevations. There is one window and a set of patio doors in the front elevation of the building, facing into the garden. Due to the fact the building is slightly elevated, sitting on a raised plinth, and given the fact that No.19 Grosvenor Gardens is sited on a lower level, when inside the building views can be obtained back towards No. 19 and the patio area to the rear of the property. The occupiers of No. 19 have objected to the development on grounds of overlooking and loss of privacy. The applicant has fitted a blind to the window concerned. However, it is considered appropriate to require that this window be obscure glazed and the applicant has agreed to do this. Accordingly a condition is recommended requiring that the window be obscure glazed within 2 months of the date of this decision. The patio doors are sited closest to No.15, which is on a higher level and the existing enclosure along the boundary prevents views into the rear garden of this property. With the condition recommended, it is considered that the outbuilding is acceptable and does not give rise to unacceptable overlooking or loss of privacy to neighbouring occupiers.

6.4 Response to the representations from the neighbours

6.4.1 There is no evidence at this time that the building is used for business purposes. However, if residents consider that the building is being used for commercial purposes that this can be investigated again. A condition is recommended to require that the building is used only for purposes ancillary to the existing dwelling and not for business purposes.

- 6.4.3 Surface water drainage and run off between residential properties is a civil matter that would need to be resolved between neighbours.
- 6.4.4 External lighting affixed to the building does not require planning permission. However, if a statutory light nuisance was established then formal notice could be served requiring the nuisance to be abated.
- 6.4.5 The provision of a separate front door to the existing garage has been investigated. The garage has a lawful development certificate to allow conversion into habitable accommodation which in itself does not require planning permission. The applicant had made an application for a Lawful Development Certificate seeking confirmation that planning permission would not be required for the use of the former garage for the undertaking of beauty treatments by the occupier of the dwelling. This application was withdrawn. A recent site visit confirms that some equipment associated with beauty treatments has been provided in the room, but that much of the space is also used for domestic storage. The applicant confirmed at the site visit that the room was not presently being used.
- 6.5 Community Infrastructure Levy (CIL)
- 6.5.1 As of the April 2010, legislation in the form of CIL Regulations 2010 (as amended) came into force which would allow “charging authorities” in England and Wales to apportion a levy on net additional floorspace for certain types of qualifying development to enable the funding of a wide range of infrastructure that is needed as a result of development. Since April 2012 the Mayor of London has been charging CIL in Enfield at the rate of £20 per sqm. The Council is progressing its own CIL but this is not expected to be introduced until spring / summer 2015.
- 6.4.2 The development in this instance is not CIL Liable.

7 Conclusion

- 7.1 There are no planning objections to the retention of the domestic outbuilding which has been constructed on the site and accordingly a recommendation of approval is made.

8 Recommendation

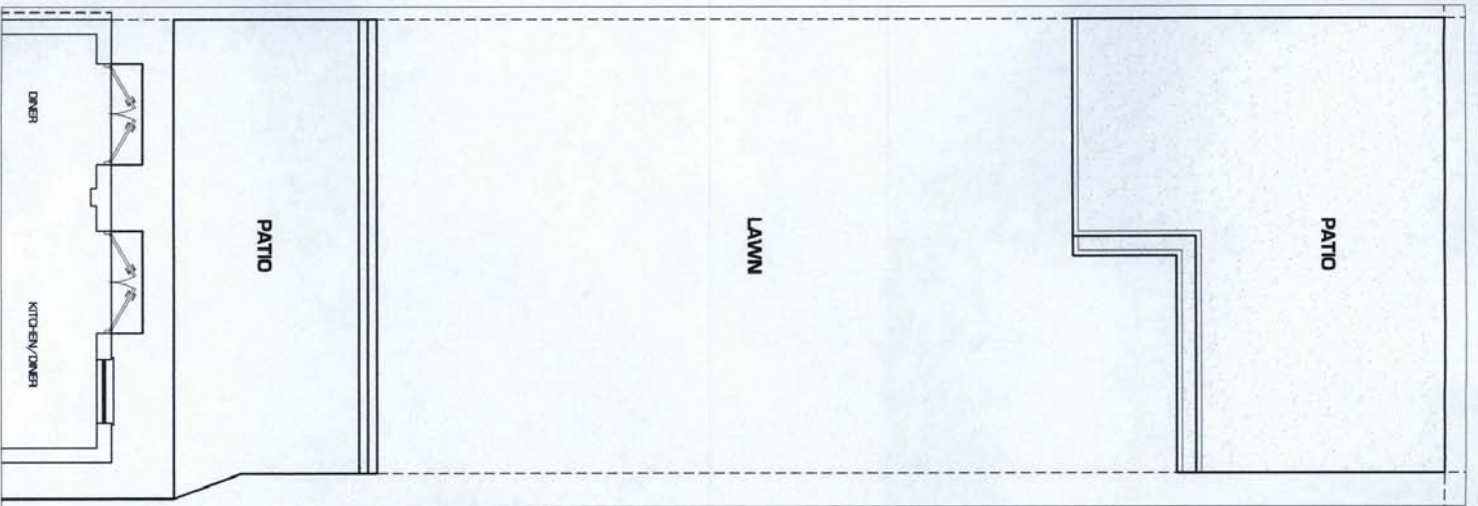
- 8.1 That planning permission is **GRANTED** subject to the following conditions:
1. C60 – Approved Plans
 2. C25 – No additional fenestration
 - 3 That within 2 months from the date of this decision the existing window to the front elevation of the outbuilding shall be fitted with obscure glass with an equivalent obscuration as level 3 on the Pilkington Obscuration Range. The glazing shall not be altered without the approval in writing of the Local Planning Authority.

Reason: In order to protect the amenities of the surrounding residents

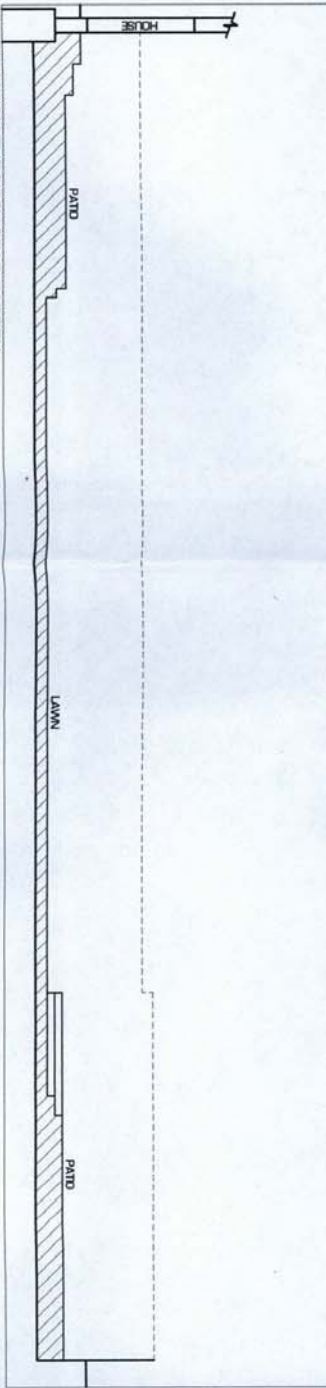
- 4 The outbuilding shall only be used for purposes incidental to the enjoyment of the dwelling, excluding any form of habitable accommodation or any business purposes.

Reason: In order to protect the amenities of the surrounding residents

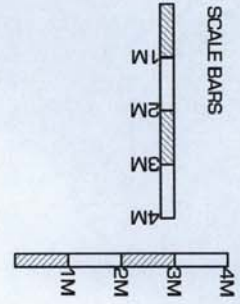
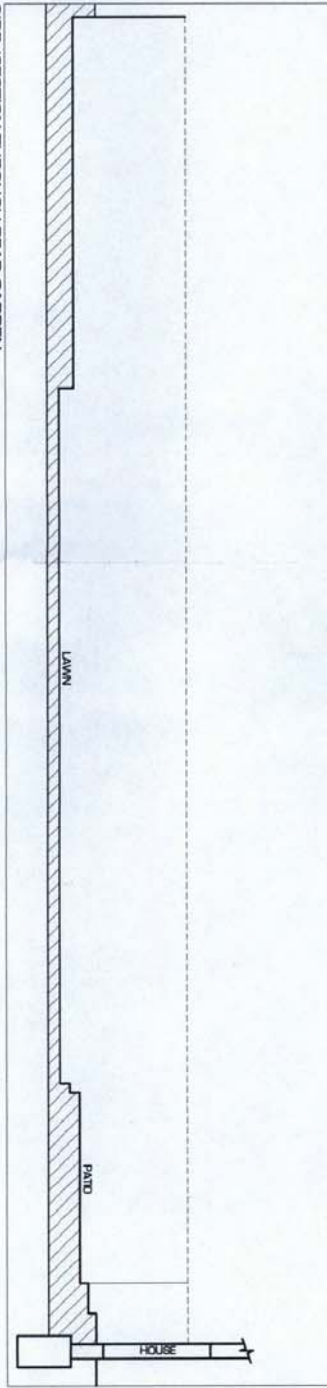
GROUND FLOOR PLAN



SIDE/SECTION THROUGH REAR GARDEN



SIDE/SECTION THROUGH REAR GARDEN



Notes:
 The building contractor is responsible for verification of all dimensions on site.
 Any works carried out prior to Local authority consent (both planning and building control) is the responsibility of the contractor.

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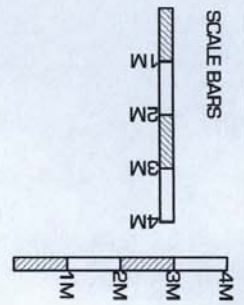
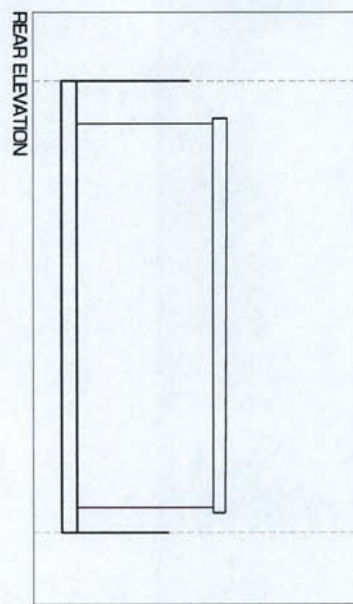
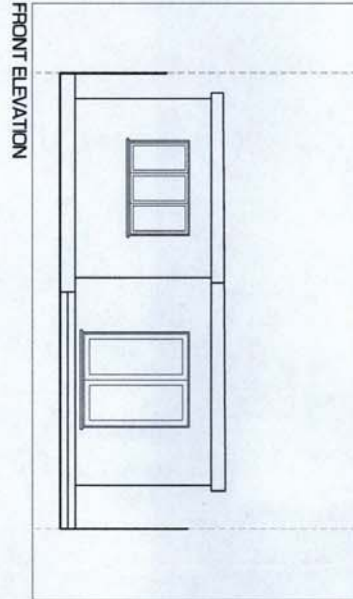
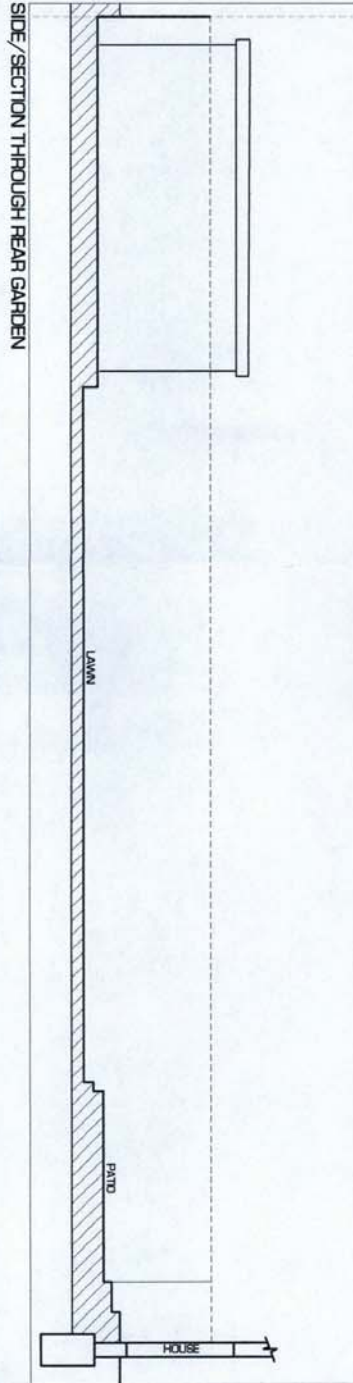
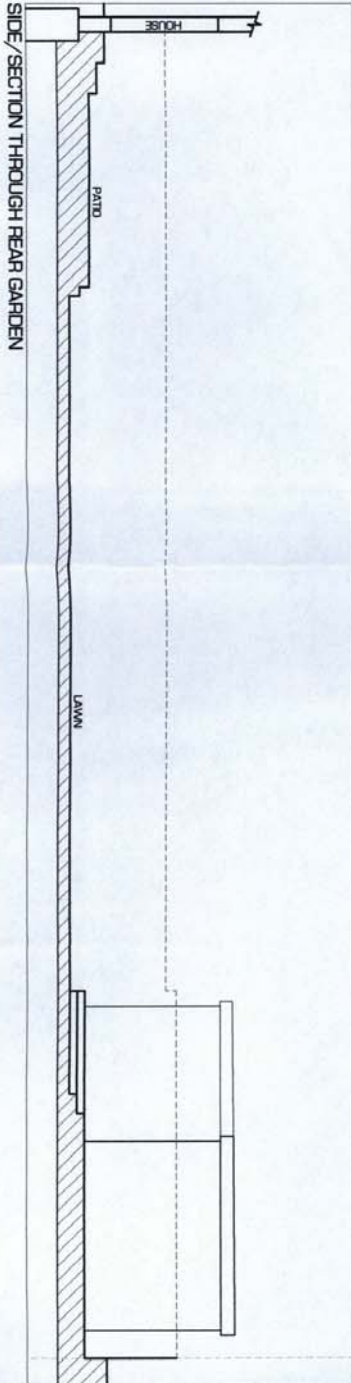
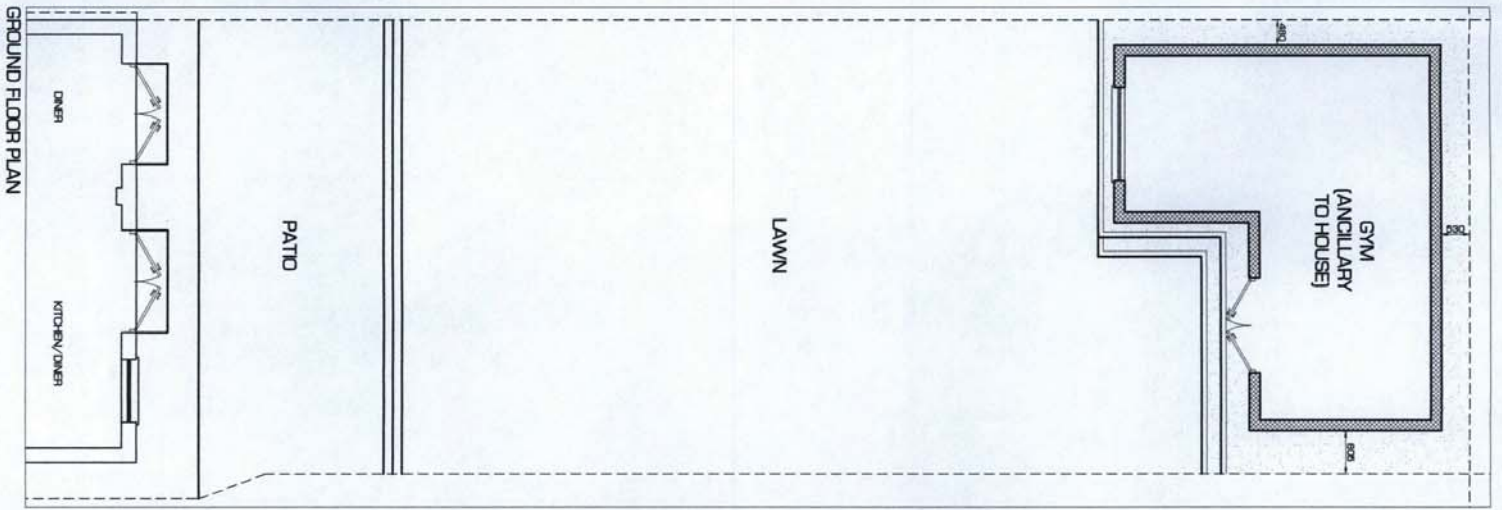
EXISTING PLANS (RETROSPECTIVE)

Customer name & site address:
 Mr. H. Eracli
 17 Grosvenor Gardens
 London, N14 4TU

Works:
 Retrospective Planning - Outbuilding
 as an auxiliary to property - Private
 Gym

Council: Enfield
 Date: 16th August 2013
 Scale: 1:100 @ A3
 Dwg no. GROS/2013/01

P13 - 02505PA



Notes:
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PROPOSED PLANS (RETROSPECTIVE)

Customer name & site address:
 Mr. H. Eracli
 17 Grosvenor Gardens
 London, N14 4TU

Works:
 Retrospective Planning - Outbuilding
 as an auxiliary to property - Private
 Gym

Council: Enfield
 Date: 16th August 2013
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 Dwg no. GROS/2013/02



23.04.2013