

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date: 26th February 2019

Report of

Head of Planning

Contact Officer:

David Gittens
Mark Chan - 020 8379 6844

Ward:

Grange

Ref: 18/03428/HOU

Category: Householder Application

LOCATION: 35 Lyndhurst Gardens Enfield EN1 2AP

PROPOSAL: Outbuilding and shed at rear (RETROSPECTIVE)

Applicant Name & Address:

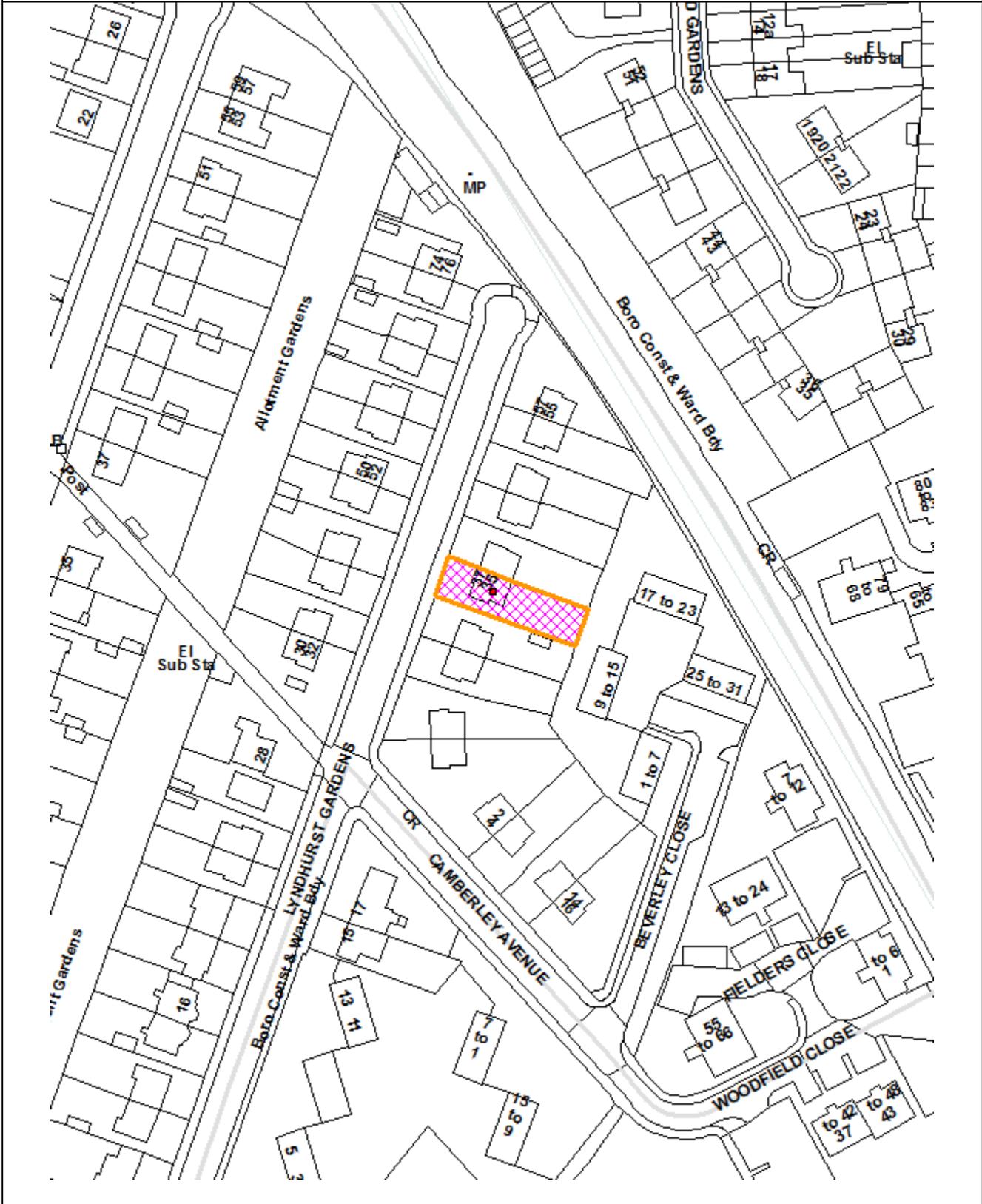
Miss Katie Latcham
35 Lyndhurst Gardens
Enfield
EN1 2AP

Agent Name & Address

N/A

RECOMMENDATION:

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



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Scale 1:1250

North



1. Recommendation

1.1 That planning permission be GRANTED subject to the following conditions:

1. C051 Time Limit Permission

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

1. Shed Plan – Top Elevation
2. Shed Plan – Front and Rear Elevation
3. Shed Plan – Side Elevation and Decking
4. Outbuilding Plan – Decking
5. Outbuilding Plan – Roof Plan
6. Outbuilding Plan – Side Elevation
7. Outbuilding Plan – West Face Elevation
8. Outbuilding Plan – East Face Elevation
9. Outbuilding Plan – Build Up of Exterior Walls
10. Site Plan (1 of 2)
11. Site Plan (2 of 2)
12. Location Plan
13. Block Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No Additional Fenestration

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any amending Order, no external windows or doors other than those indicated on the approved drawings shall be installed in the development hereby approved without the approval in writing of the Local Planning Authority.

Reason: To safeguard the privacy of the occupiers of adjoining properties.

4. Outbuilding – Restricted Use

The outbuilding(s) shall not be occupied at any time other than for the purpose of accommodation ancillary to the occupation of the existing dwelling.

Reason: To ensure that the development complies with adopted standards and is in character with the existing form of development in the locality.

5. Restricted Cooking Facilities

No kitchen or cooking facilities shall be installed within the approved outbuilding(s) at any time.

Reason: To ensure that the proposed outbuilding retains adequate integration with the existing dwelling and remains ancillary to the use of the existing dwelling house

2.0 Summary of Reasons for Recommendation

- 2.1 The proposed structures having regard to the adopted policy and taking account of their size and siting are considered acceptable in terms of their relationship the immunities of neighbouring properties and the character of the surrounding area.

3.0 Site and Surroundings

- 3.1 The site is located on the eastern side of Lyndhurst Gardens in a residential area surrounded by semi-detached properties. The property is a ground floor flat of a two-storey semi-detached building with a deep rear garden. The garden has an existing summer house and an existing shed.

4.0 Proposal

- 4.1 Permission is sought to retain a summer house measuring 5.3m deep, 4.1m wide, 3.1m high (2.9m to eaves) with a flat roof. It is positioned at the end of the garden with trees in proximity. A shed also forms part of this proposal. It measures 2.14m deep, 1.54m wide, 2.53m high (2m to eaves) with a double-pitched roof.
- 4.2 The summer house and the shed are more than 6m apart and the shed is approximately 1.6m from the rear of the main flat.

5.0 Relevant Planning History

- 5.1 The application was submitted as a result of an enforcement investigation which identified the breach of planning control

6.0 Consultations

Statutory and non-statutory consultees

- 6.1 None.

Public

- 6.2 Consultation letters were sent to 17 neighbouring and nearby properties. Two (2) objections were received. The concerns raised are summarised below:

- Close to adjoining properties
- Development too high
- General dislike of proposal
- Loss of privacy
- Over development
- Dominates the view from kitchen and bedroom
- Information missing from plans
- Loss of light
- Loss of privacy
- Noise nuisance

- Out of keeping with character of area

7.0 Relevant Policies

London Plan (2016)

Policy 7.4 – Local character

Core Strategy (adopted November 2010)

CP30 – Maintaining and improving the quality of the built and open environment

Development Management Document (DMD) (November 2014)

DMD6 – Residential character

DMD12 – Outbuildings

DMD37 – Achieving high quality and design-led development

Other Relevant Policy Considerations

National Planning Policy Framework
Planning Policy Guidance

8.0 Analysis

- 8.1 The key issues to consider in this Case are the impact of the outbuildings on the character and appearance of the area and the impact the outbuildings on the amenities of neighbouring residential properties.

Principle

- 8.2 Adopted policies encourage the maintenance and enhancement of existing housing stock and there is no objection in principle to the erection of outbuildings in the rear gardens subject to the attainment of an appropriate size and siting. Proposals must therefore be assessed in relation to the impact on the character of the surrounding area and the impact on the neighbour's amenity.

Impact on Character and Appearance

- 8.3 Development along Lyndhurst Gardens is typified by semi-detached dwellings along either side of the road. The rear garden of the property is only slightly visible from the street and to the adjoining gardens of Nos. 31 and 39 Lyndhurst Gardens. Both adjoining properties have an existing rear outbuilding.
- 8.4 The relevant adopted policy is DMD12. It states that four outbuildings to be acceptable they should:
- *The building to be ancillary to the use as a residential dwelling;*
 - *The design to have regard to topography;*
 - *The building to not project forward of the front building line;*
 - *The outbuilding to maintain an adequate distance from the dwelling;*
 - *The outbuilding to be of an appropriate height and bulk so as not to adversely impact on the character of the local area and amenities of neighbouring properties;*
- and;*

- *The size, scale and siting of the development to not have an unacceptable impact on the adjoining properties.*

- 8.3 The application form and submitted drawings indicate that the outbuildings are being used as a summer house and a garden shed respectively. No contrary evidence has come to light as a result of the visits undertaken.
- 8.4 The floor plan of the summer house has indicated a playroom and w.c. These facilities are considered to be ancillary to the use of the existing residential dwelling. As for the shed, whilst no floor plan was provided, given the size of the shed, it is assumed it is used for storing gardening equipment. No kitchen facilities or bedrooms are proposed in both outbuildings. Conditions can be imposed to ensure the future use of the buildings remains ancillary to the occupation of the property.
- 8.5 It is noted that the summer house is located at the rear of the garden and surrounded by trees while the shed is approximately 1.6m from the rear wall of the main dwelling. As such, it is considered there is no over development and adequate distance between the existing dwelling and the proposed outbuildings. Moreover, the outbuilding will not project forward of the front building line. Adequate amenity space would also be retained to the rear of the dwelling.
- 8.6 The principles of Policy DMD12 seek to ensure that outbuildings are not of a size that will adversely impact on the character of the local area. The original subject dwelling has a footprint of 35.2m² while the total footprint of the outbuildings and shed is approximately 25m² and given the size and depth of the rear garden, the outbuildings are considered subordinate to the main dwelling and acceptable.
- 8.7 The proposed outbuildings would be within the rear garden which is relatively flat and covered with grass while the end of the garden has some tall trees. Thus, they would only be slightly visible from the adjoining rear gardens. This is considered to be acceptable in terms of impact on the character and appearance of the local area.
- 8.8 Taking the above into consideration, with regard to the impact on the character of the surrounding area, size of the outbuilding and the outbuilding being ancillary to the residential dwelling, it is considered that the proposal is consistent with Policy CP30 of the Core Strategy and DMD12 of the Development Management Document.

Impact on the Neighbours' Amenity

- 8.9 Policy DMD12 clearly states that outbuildings due to their size, scale and siting, should not have an unacceptable impact on the amenities of adjoining properties.
- 8.10 The summer house is 3.1m high and positioned at the end of the rear garden. There are several trees in proximity which assist to screen the presence of the outbuilding. Therefore, whilst the summer house is higher than the adjacent outbuilding at No. 39 and the shared boundary fence, the existing trees have already screened most of the natural light into No. 39's garden and the outbuilding would not worsen the situation. The distance to the dwelling is also sufficient to avoid any issues associated with this 3.1-metre-high outbuilding. Moreover, as no windows are installed on its flank elevations, it is unlikely to cause overlooking of neighbouring dwellings. Lastly, as No. 31 has an existing outbuilding next to the boundary fence, it is considered the impact on its residential amenities is mitigated and acceptable.

8.11 The garden shed, although it is situated on the boundary and closer to the rear elevations of the properties, given its height, size and position, it is considered it would not unreasonably impact on the amenities of the neighbouring properties through a loss of outlook or light.

8:12

CIL

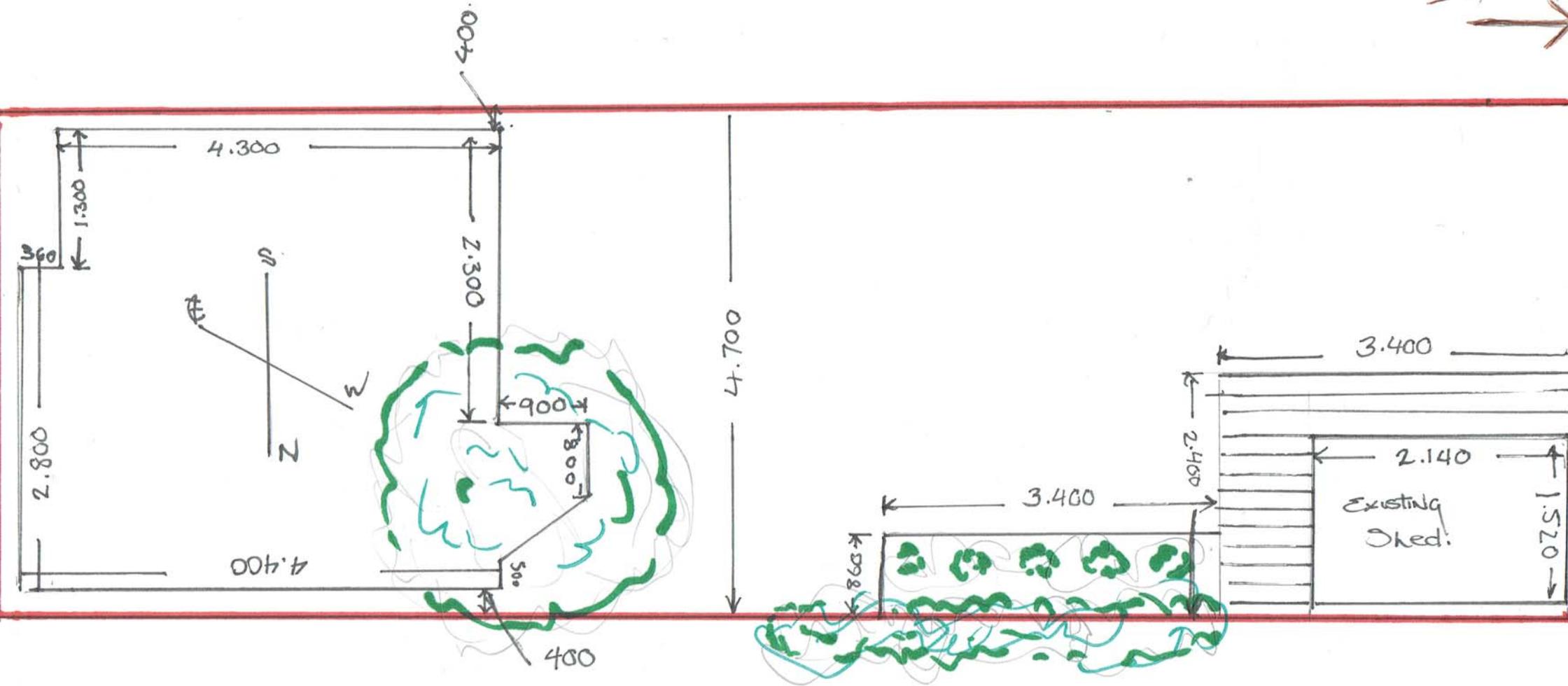
8.13 The proposed development is below 100m² which is the minimum threshold in regard to CIL payments. As such, the application is not CIL liable.

9.0 Conclusion

9.1 It is understood objections have been received regarding the effect of these structures on the amenities of neighbouring properties. These have been carefully considered but it is considered that any harm arising is not sufficient to warrant refusal of the planning application. It is also considered the outbuildings are of a size and scale that would not detract from the visual amenities of the wider area, detrimental to its character. Having regard to the above assessment therefore, the outbuildings are considered acceptable.

16.500
FROM BACK FENCE TO HOUSE

1 of 2



DRAWN TO A 1:50 SCALE

