

LOCATION: 9 Baring Road, Barnet, Herts, EN4 9AN

REFERENCE: B/01891/13 **Received:** 10 May 2013

Accepted: 24 May 2013

WARD(S): East Barnet **Expiry:** 19 July 2013

**Final
Revisions:**

APPLICANT: Mr Henshaw

PROPOSAL: Two storey side extension. Part single, part two storey rear extension. Roof extension including rear dormer with juliet balcony, hip to gable and 2no. front roof-lights to facilitate a loft conversion.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. 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.

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

- Planning Statement
- Site Location Plan - Sketch No. SP01
- PA01, PA02 Revision D and PA03 Revision D.

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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

3. The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason:

To safeguard the visual amenities of the building and surrounding area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

4. The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

5. Before the building hereby permitted is occupied the proposed window(s) in the side elevation facing No. 7 Baring Road 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 Adopted Barnet Development Management Policies DPD (2012).

6. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the side elevations, of the extensions hereby approved.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

INFORMATIVE(S):

- 1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

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 published on 27 March 2012. 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 London Plan is recognised in the NPPF as part of the development plan.

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."

NPPF retains 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 July 2011:

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 2031. It forms part of the development plan for Greater London.

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.

Relevant Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11th September 2012

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.

Relevant Development Management DPD (2012): Policies DM01.

Supplementary Planning Documents and Guidance

The Council's Residential Design Guidance SPD was adopted by Cabinet in April 2013. This 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.

Included advice 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.

In respect to amenity, 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.

The Council adopted a Sustainable Design and Construction SPD in April 2013, following public consultation. This SPD provides detailed guidance that supplements

policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

Relevant Planning History:

**Site history for current landparcel :
127719 - 9 Baring Road, Barnet, Herts, EN4 9AN
Case Reference: B/01891/13**

Planning applications picked up in spatial search

Site Address: 9 Baring Road NEW BARNET Herts
Application Number: N10426
Application Type: Section 192
Decision: Lawful Development
Decision Date: 28/07/1993
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey side and rear extensions.**
Case Officer:

Site Address: 9 Baring Road Cockfosters Barnet Hertfordshire EN4 9AN
Application Number: N10426A/05
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 02/08/2005
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey rear extension.**
Case Officer:

Site Address: 9 Baring Road, Barnet, Herts, EN4 9AN
Application Number: B/04898/11
Application Type: Householder
Decision: Refuse
Decision Date: 3/21/2013
Appeal Decision: Dismissed
Appeal Decision Date: 3/21/2013
Proposal: **Two storey side extension and single storey front extension with new front porch. Part single, part two storey rear extension. Roof extension including rear dormer with juliet balcony, hip to gable and front rooflights to facilitate a loft conversion.**
Case Officer: Rachel Caplin

Site Address: 9 Baring Road, Barnet, Herts, EN4 9AN
Application Number: B/04374/11
Application Type: Section 192
Decision: Lawful Development
Decision Date: 04/11/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Roof extension including hip to gable end and rear dormer window with a juliet balcony and 2no. rooflights to front elevation to facilitate a loft conversion.**
Case Officer: Rachel Caplin

Consultations and Views Expressed:

Neighbours Consulted: 17 Replies: 5 objection letters have been received.

Neighbours Wishing To Speak 2

The objections raised may be summarised as follows:

- The proposed development would look like a huge cube, over-development of the site. doubling the size of the existing semi-detached house and totally out of character in a residential street.
- The proposal would not fit in with the road, extending the two storey element beyond established building lines and would set dangerous precedent for others to follow.
- Loss of privacy and light and block view.
- The proposal will increase number of cars for the house and cause parking problem in the street.
- The proposal would increase the volume of the original building by approximately 125%. This represents a massive over intensification in order to develop and sell the property
- Refute many of the reasons the Inspector based his appeal decision on.

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application relates to a two-storey semi-detached dwellinghouse with single storey rear extension and an attached side garage situated on the west side of Baring Road.

The area surrounding the application site is predominantly residential in character comprising mixed of house types and ages, including single storey bungalows and two-storey houses.

The application property is not listed and is not located within conservation area.

Proposal

The proposal is for the following:

- Increase the depth of existing 3m (deep) single storey rear extension by 0.5m extending all across the width of the entire house and proposed single storey side extension.
- Demolition of existing single storey attached side garage and erection of 1.5m (wide) x 11m (deep) ground floor side extension flush with the front main wall of the original house. The ground floor side extension extends along the length of the entire house including proposed 3.5m (deep) ground floor rear extension.
- Erection of (1.5m wide) first floor side extension set flush with the front main building wall of the original house and project 3m beyond the rear building line of the house to form part of the proposed first floor rear extension. The first floor rear extension would be 3m (deep) x 3.76m (wide) with a pitched roof, set approximately 1m below the proposed main roof to the dwellinghouse.
- The two-storey side extension would be set-in 1m from the side boundary.

- The plans also show gabling of the existing hip-pitched roof of the dwellinghouse, large rear dormer window with juliet balcony and two-front and rear rooflights that was approved as lawful development under ref: B/04374 /11. The proposed two-storey side extension would extend this gabled roof of the dwellinghouse with no set-down from the main roof of the dwellinghouse.
- This application is only seeking planning permission for part single and part two-storey rear and two-storey side extension with gable roof design.

Planning Considerations:

The main issue in this case are considered to be covered under two main areas:

- The living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal.

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 of the Development Management Policies (Adopted) 2012 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 that development makes a positive contribution to the borough. The development standards set out in Policy DM02: Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

The Council's 'Residential Design Guidance' SPD adopted in April 2013 states that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant, they 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.

Assessment of the Proposal

This application is similar to a previous planning application ref: B/04898/11 that was submitted for "*Two storey side extension and single storey front extension with new front porch. Part single, part two storey rear extension. Roof extension including rear dormer with juliet balcony, hip to gable and front rooflights to facilitate a loft conversion*" and was refused on 30th November 2012 on the following grounds:

1. *The proposed development would cause harm to the visual amenities of the locality, materially harming the residential character of the locality by reason of the bulk, scale, siting and design of the proposed extensions and their cumulative impact, contrary to the Council's Design Guidance Note No 5 – Extensions to Houses, Policies CS NPPF, CS1, CS5 of the Adopted Core Strategy (2012) and Policies DM01 & DM02 of the Adopted Development Management Policies (2012).*

2. *The proposed development would cause harm to the residential amenities of adjoining occupiers by reason of potential overlooking from an unrestricted side window at first floor level and, as a result of visual intrusion due to the bulk, scale, mass, siting and design of the proposed extensions and their cumulative impact, contrary to the Council's Design Guidance Note No 5 – Extensions to Houses, Policies CS NPPF, CS1 and CS5 of the Adopted Core Strategy (2012) and Policies DM01 & DM02 of the Adopted Development Management Policies (2012).*

A subsequent appeal lodged against this refusal was dismissed by the planning Inspectorate on 21st March 2013 under Appeal ref: APP/N5090/D/13/2192066. It should be noted the appeal was dismissed by the Inspector only for the reason in respect of unacceptability of the single storey front extension proposed in the application.

With regards to the other elements of the proposal such as two-storey side extension and part single and two-storey rear extension, it was not considered to have harmful effect on the character and appearance of the property and would not have an unacceptable effect on the living conditions of the occupiers of the adjoining properties.

With regards to proposed rear dormer and roof extensions, the inspector took an opinion that as this part of the development has already been approved as lawful development under ref: B/04374 /11 and given that the appellant has a "fall-back" position insofar that the dormer extension could be constructed in accordance with the lawful certificate, the inspector did not accept that a refusal based on the impact of the rear dormer extension would be justified.

The main issue therefore is how the current application proposal has been amended to overcome the Inspectors reasons in arriving to a conclusion to dismiss the above mentioned appeal lodged against the previous planning application ref: B/04898/11.

It is therefore important to compare the main difference between plans submitted in the current and previous planning application ref: B/04898/11 to arrive at a conclusion based on Inspectors report and current Council's policies and standards as to whether the proposed development would be acceptable or not?

In this application, the main difference between existing and previous planning application ref: B/04898/11 are as follows:

- Previously proposed single storey front extension with new front porch has now been deleted from the proposal. This application proposal therefore being identical in all other respect as the previous planning application ref: B/04898/11, would now overcomes the reason for dismissing the appeal for the previous planning application ref: B/04898/11.
- The other elements of the proposal such as two-storey side and part single and two-storey rear extension would remain as it was submitted under previous planning application ref: B/04898/11.
- The rear dormer and roof extension (approved as lawful development under ref: B/04374 /11 which has not yet been implemented on the application property and has been shown on the submitted plans for this application) would also remain as it was submitted under previous planning application ref: B/04898/11.

Change in Policy since the Inspector's Appeal Decision dated 21 March 2013

It should be noted that since the previous planning application ref: B/04898/11 refusal dated 30/11/2012 and subsequent appeal decision dated 21/03/2013, there has been no significant change in the Council's and Regional policies except that Council's Draft SPD: Residential Design Guidance and also Draft Sustainable Design Construction were adopted in April 2013 and therefore these documents (similar to the draft version) now carries more weight .

Rear Dormer and Roof Extension

In respect of the rear dormer and roof extension, the Inspector decision appeal can be summarised as follows:

With regards to proposed dormer and roof extensions that has already been approved as lawful development under ref: B/04374 /11 (but not yet implemented on the application property and was included in the description of the development), the Inspector has taken an opinion that the dormer extension could be constructed in accordance with the lawful certificate, and could then apply at a later stage for the other proposed extensions. These extensions would then have to be considered on their own merits. As a result although the impact of the rear dormer was acknowledged as having a significant and dominant effect on the appearance of the dwelling and that the dormer roof extension would be dominant, when viewed from the rear gardens of both neighbouring houses. However, given that the appellant has a "fall-back" position insofar that the dormer extension could be constructed in accordance with the lawful certificate, the inspector did not accept that a refusal based on the impact of the rear dormer extension would be justified.

In this application as the proposed rear dormer and roof extension is same as the previous planning application ref: B/04898/11, this part of the proposal based on the inspectors appeal decision ref: APP/N5090/D/13/2192066 is considered to be acceptable.

Proposed Side And Rear Extensions

With regards to the above the inspector in paragraph 9 of the appeal decision states that *in my opinion the proposed two-storey side extension, single storey rear extension, and first floor rear extension are in themselves acceptable, having regard to their design, scale and visual appearance. Although the side extension would have the same ridge height as the existing dwelling, given its relatively narrow width, I am not persuaded that this would have an unacceptable visual impact on the host dwelling. The first floor rear extension would be sub-ordinate to the existing property due to its lower roof height, and its hipped roof design would be in character with the host dwelling. Consequently, these elements would not have an unacceptably harmful effect on the character and appearance of the property, and would not, in my opinion conflict with the policies or guidance referred to above.*

In paragraph 12 of the appeal decision, the inspector considered the impact of the proposed side and rear extensions on the living conditions of the neighbouring occupiers and states:

The Council and both of the neighbouring residents at either side of the appeal site at number 7 and 11 Baring Road (numbers 7 and 11) have expressed concerns over the size and scale of the proposed extensions and the effect of these on the outlook from adjoining properties and gardens. In addition, the Council's has refused the application because of the potential overlooking from the proposed first floor side

window, which would serve an en-suite bathroom. With regards to this matter, I consider that the potential to overlook could be resolved by the imposition of a condition requiring the window to be obscure glazed with a top opening light, if the proposal was acceptable in all other respect.

In paragraph 13, the inspector with regards to the other rear and side extensions states that:

I consider that the impact of these on neighbouring properties would be acceptable, due to the nature of their design and appearance. The single storey rear extension would have a shallow pitched roof and would not be acceptably overbearing to the adjoining properties. The proposed first floor rear extension would be set-in from the side boundary with number 11 by approximately 3.5m, and by approximately 1m from the side boundary with number 7. These separation distances combined with the fact that the extensions would be to the north of number 7, leads me to conclude that there would be no significant impact, in terms of loss of light or being visually overbearing to either property. In addition, the proposed first floor extensions would have its main window facing down the rear garden. In this regard, the proposal would not be unusual and consequently, there would no significant threat to the privacy of the neighbouring residents.

In paragraph 14, the inspector concludes on this issue that *the proposal would not have an unacceptable effect on the living conditions of the occupiers of the adjoining properties, and that it would not conflict with the development plan policies and guidance.*

In this application as the proposed two-storey side and part single and two-storey rear extension is same as the previous planning application ref: B/04898/11, this part of the proposal based on the inspectors appeal decision ref: APP/N5090/D/13/2192066 is considered to be acceptable subject to relevant planning conditions.

The proposed two-storey side and part single storey and two-storey rear extension including rear dormer and roof extension approved as lawful development under ref: B/04373/11 would comply with the aforementioned policies and Council Design Guidance on Extensions to Houses and would be a proportionate addition to the dwellinghouse. It would have an acceptable impact on the character and appearance of the streetscene, site property, general locality and the residential amenity of neighbouring occupiers.

3. COMMENTS ON GROUNDS OF OBJECTIONS

With regards to objections received, these are mainly dealt with in the report. The appeal decision is a material consideration of significant weight. Whilst it is acknowledged that the objectors disagree with the Inspectors decisions there have not been any changes in the planning considerations surrounding the application.

4. EQUALITIES AND DIVERSITY ISSUES

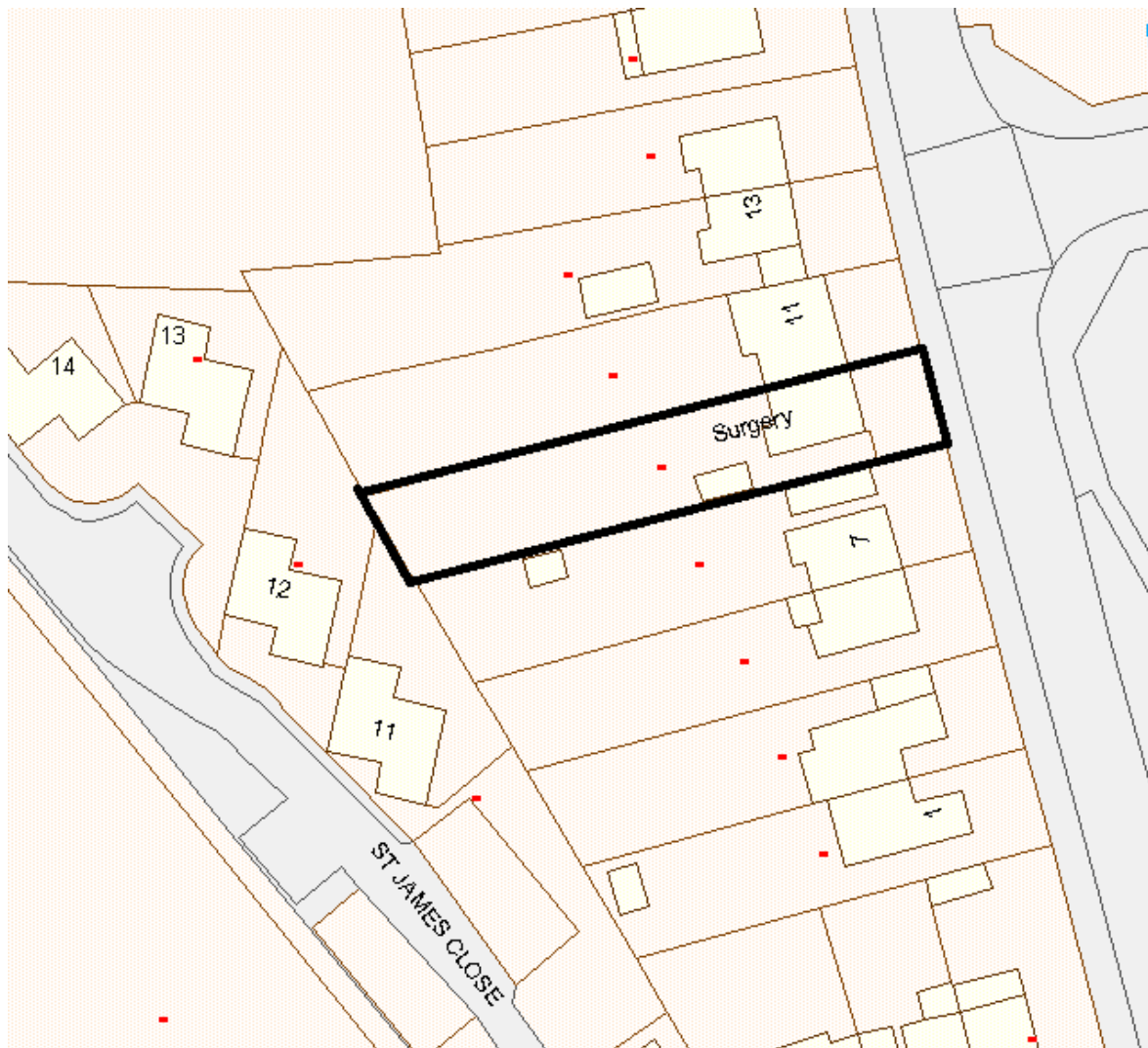
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.

SITE LOCATION PLAN: 9 Baring Road, Barnet, Herts, EN4 9AN

REFERENCE: B/01891/13



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