

LOCATION: 2 West Heath Drive, London, NW11 7QH

REFERENCE: F/02024/13

Received: 21 May 2013

Accepted: 07 June 2013

WARD(S): Childs Hill

Expiry: 02 August 2013

Final Revisions:

APPLICANT: Mr Gillespie

PROPOSAL: Part single and part two storey side/rear extension including garage

RECOMMENDATION: Refuse

- 1 The proposed extension by virtue of its scale, position and design would fail to reflect the design, scale or siting of the existing property and given its prominent siting, would form a prominent and incongruous addition to the application property and the surrounding area. The proposal would therefore fail to comply with the National Planning Policy Framework 2012, Development Management Policy DM01 and the council's Residential Design Guidance Supplementary Planning Document 2013.

INFORMATIVE(S):

- 1 The plans accompanying this application are: RGWH001, RGWH002, RGWH003, RGWH005D, RGWH006C, RGWH007C, RGWH008C, RGWH009D, RGWH010D, RGWH011E, RGWH012D, RGWH013D, RGWH014D, RGWH019 dated 07 June 2013

1. MATERIAL CONSIDERATIONS

The National Planning Policy Framework 2012

The Mayor's London Plan: July 2011

Relevant Core Strategy (2012) Policies:

CS NPPF - National Planning Policy Framework - Presumption in Favour of Sustainable Development

CS5 - Protecting and Enhancing Barnet's character to create high quality places

Relevant Development Management (2012) Policies:

DM01 Protecting Barnet's character and amenity

DM02 Development standards

Supplementary Planning Documents and Guidance

Sustainable Design and Construction (2013)

Residential Design Guidance (2013)

Planning Obligations (2013)

Equality Act 2010

Mayor's CIL

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet.

Barnet CIL

Barnet's Community Infrastructure Levy was approved at Full Council on 16 April 2013. Adoption of the Barnet CIL Charging Schedule is the 1st May 2013. All planning applications decided on or after that date will be subject to the charge at a rate of £135 per sqm on all 'chargeable development' in Barnet.

Relevant Planning History:

Application:	Planning	Number:	C/02948/AW/06
Validated:	25/07/2006	Type:	APF
Status:	DEC	Date:	18/09/2006
Summary:	Approved	Case Officer:	Kevin Waters
Description:	Replacement of existing 0.6m high trellis with new 1.18m high trellis on top of rear wall.		

Application:	Planning	Number:	F/01228/13
Validated:	22/03/2013	Type:	HSE
Status:	WDN	Date:	01/07/2013
Summary:	Withdrawn	Case Officer:	James Stone
Description:	Two storey outbuilding with garage at ground floor level and first floor independent accommodation for a disabled person.		

Consultations and Views Expressed:

Neighbours Consulted: 42

Replies: 0

Internal /Other Consultations:

None

The application is brought to committee at the request of Councill Jack Cohen for the following reason: "in order for the committee to consider the exceptional personal circumstances of a disabled member of the family"

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site features a two storey, semi detached residential dwelling that is located on a prominent junction between St Albans Lane and West Heath Drive.

Proposal, Planning history and Background:

The application proposes the erection of a part single storey, part two storey side and rear extension which would provide semi - independent accommodation for a disabled resident.

This application follows the withdrawal of a previous application for a similar extension. Detailed discussions took place as part of the original application between the applicant and the Council in the hope to find a compromise and this included a visit to the site by the Area Manager and case officer. Options were discussed and the applicant was advised to consider an extension closer to the house in the more traditional style of a two storey extension to the house.

This advice was not followed and the current application was submitted. Another meeting was arranged to discuss a way forward but the applicant has not been able to amend the drawings in such a way to address officers' concerns.

The proposed extension would feature a combination of flat and pitched roof and would measure approximately 13.4 metres deep, 6.3 metres tall and 5.8 metres wide. It would provide car parking at street level and semi-independent accommodation above.

Planning Considerations:

The main considerations are:

- The impact on the character and appearance of the property and surrounding area
- The impact on the amenity of neighbouring residents
- The needs of the applicant under the Equality legislation

The impact on the character and appearance of the property and surrounding area

The 2012 National Planning Policy Framework states that *“the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*.

In addition to the NPPF, Policy CS5 of the Core Strategy states that the Council *“will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design”*. In addition to this, Policy DM01 of the Council’s Development Management Policies 2012 states that *“development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets... development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused”*.

The area surrounding the application site characteristically features two storey, semi – detached residential dwellings. The application site is located on a prominent corner plot and the proposed extension would be located on the

detached side of the property where it would be visible from the frontage of the street. It is not considered to be subserviant to the main house and would appear at odds with the established character of this part of the Borough.

The Council's Residential Guidance SPD states that extensions should reflect the design of the original building, whilst having regard to the character of the area and the residential amenity enjoyed by neighbours.

In this instance, the proposed extension by virtue of its scale, position and design would fail to reflect the design, scale or siting of the existing property and given its prominent siting, would form a prominent and incongruous addition to the application property and the surrounding area. The proposal would therefore fail to comply with the National Planning Policy Framework 2012, Development Management Policy DM01 and the council's Residential Design Guidance Supplementary Planning Document 2013.

The impact on the amenity of neighbouring residents

Policy DM01 of the Development Management Policies 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.

The proposed extensions would be located well away from adjoining properties, on the detached side of the property. As such, the proposal is not considered to impact adversely on any neighbouring properties access to light or have an overbearing impact on the neighbouring property.

In terms of the impact on privacy, it is considered that the proposed fenestration would not result in any direct overlooking to the neighbouring properties to an extent that would warrant the refusal of the application on these grounds.

3. COMMENTS ON GROUNDS OF OBJECTIONS

None.

4. EQUALITIES AND DIVERSITY ISSUES

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies is set out in Section 149 of the Act. The duty requires the Council to pay regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

Equality duties require Authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different equality groups. It is an opportunity to ensure better decisions are made based on

robust evidence.

Section 149 of the Act states that:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to-
 - (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- (2) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-
 - (a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different to the needs of persons who do not share it;
 - (c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- (3) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular steps to take account of disabled persons' disabilities.
- (4) Having due regard to the need to foster good relations between persons who share relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-
 - (a) Tackle prejudice, and
 - (b) Promote understanding
- (5) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.
- (6) The relevant protected characteristics are-
 - Age;
 - Disability
 - Gender reassignment
 - Pregnancy and maternity
 - Race
 - Religion or belief
 - Sex

· Sexual orientation

It is considered that the applicant is within a protected group (disability). It is acknowledged that the proposals would benefit a disabled member of their family by providing semi-independent facilities within the curtilage of the family home.

S149 (5) of the Act requires that the Council have due regard to the need to:-

“(5) having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:-

- (a) Tackle prejudice and
- (b) Promote understanding”

It is considered that the planning application itself provides an opportunity for an understanding of disabilities to be promoted.

In determining this planning application the Local Planning Authority must have due regard to the equalities impacts of the proposed redevelopment of the site on those persons protected under the Equality Act 2010. This Act requires the Local Planning Authority to demonstrate that any decision it makes is reached in a fair, transparent or accountable way considering the needs and rights of different members of the community.

The potential equality impacts have been highlighted above. Any equalities impacts have also to be analysed in the context of the overall planning merits of the scheme and the benefits it will confer particularly on a disabled person.

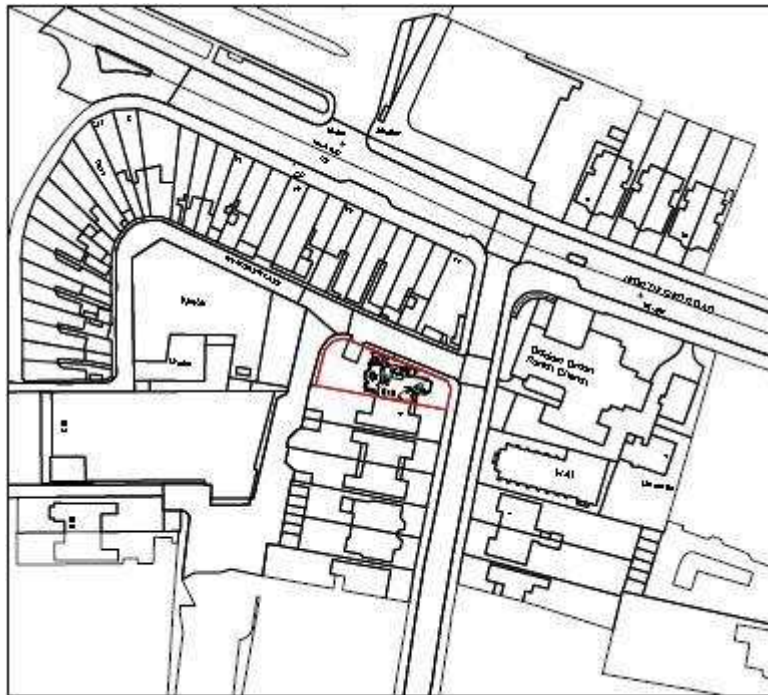
In this instance, officers consider that the benefits to the applicant (within a protected group) would not outweigh the harm to the character and appearance of the property and surrounding area as a result of the proposal. Alternatives have been discussed with the agent for the application but these suggestions have not been taken on board. It is considered that there are other options available to the applicant that could be implemented without harming the character of this part of the Borough. Officers are happy to continue discussions to find a solution for the applicant.

5. CONCLUSION

The proposal would not impact adversely on the amenity of neighbouring properties to an extent that would warrant the refusal of the application on these grounds. However, the proposed extension by virtue of its scale, position and design would fail to reflect the design, scale or siting of the existing property and given its prominent siting, would form a prominent and incongruous addition to the application property and the surrounding area. The benefits afforded to the applicant do not outweigh the harm identified. The proposal would therefore fail to comply with the National Planning Policy Framework 2012, Development Management Policy DM01 and the council's Residential Design Guidance Supplementary Planning Document 2013.

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