

LOCATION: 9 Albemarle Road, Barnet, Herts, EN4 8EQ

REFERENCE: B/05129/11

Received: 22 December 2011

Accepted: 22 December 2011

WARD(S): East Barnet

Expiry: 16 February 2012

Final Revisions:

APPLICANT: Mr N Vadgama

PROPOSAL: Part single, part two storey front, side and rear extensions.
Alterations and extension to roof including rear dormer window
to facilitate loft accommodation

RECOMMENDATION: Approve Subject to Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
AmR/V/PP1, AmR/V/PP2 (date received 22-Dec-2012), AmR/V/PP3 A, AmR/V/PP4 A, AmR/V/PP5 (date received 30-Jan-2012).

Reason:
For the avoidance of doubt and in the interests of proper planning.
2. 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.
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 the surrounding area.
4. 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 elevation facing No.7 Albemarle Road without the prior specific permission of the Local Planning Authority.

Reason:
To safeguard the privacy and amenities of occupiers of adjoining residential properties.
5. The roof of the extensions 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.

INFORMATIVE(S):

1. The reasons for this grant of planning permission or other planning related decision are as follows: -
 - i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (UDP) (2006).
In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, D1, D2, D5 and H27.
Supplementary Design Guidance Note 5: Extensions to Houses

Core Strategy (Submission version) 2011:
Relevant policies: CS5

Development Management Policies (Submission version)2011:
Relevant Policies: DM01
 - ii) The proposal is acceptable for the following reason(s): -

The proposed extensions are considered to have overcome the previous reasons for refusal and dismissals at appeal. The extensions have an acceptable impact on the character and appearance of the host property and the residential street scene of Albemarle Road. Given the proposed changes within the current application, the extensions will not harm neighbouring residential amenity to an unacceptable degree and represent an improved relationship to No.7 when compared to the approval in 2004 and indeed the previous application in 2011. The proposal accords with the aforementioned policies.
2. The proposed development as approved shall be fully implemented within 4 months of the date of this decision notice to ensure that the existing unlawful works are removed in order to address the outstanding enforcement notice, upheld at appeal dated 7th November 2011.

1. MATERIAL CONSIDERATIONS

NPPF 2012

The Mayor's London Plan: July 2011

7.4

Relevant Unitary Development Plan Policies:

GBEnv1, D2, D5, H27. SDGN 5: Extensions to Houses

Core Strategy (Submission version) 2011

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council submitted its LDF Core Strategy Submission Stage document in August 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies:

CS5

Relevant Development Management Policies:

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

The Council submitted its LDF Development Management Policies Submission Stage document in September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

DM01

Relevant Planning History:

Site Address:	9 Albemarle Road, Barnet, Herts, EN4 8EQ
Application Number:	03706/09
Application Type:	Householder
Decision:	Withdrawn
Decision Date:	08/12/2009
Appeal Decision:	No Appeal Decision Applies
Appeal Decision Date:	No Appeal Decision Date exists
Proposal:	Part single, part two-storey side and rear extension following demolition of existing garage. Single storey front extension.
Case Officer:	Fiona Dinsey

Site Address:	9 Albemarle Road London EN4 8EQ
Application Number:	N13591B/04

Application Type: Full Application
Decision: Approve with conditions
Decision Date: 16/09/2004
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Part single, part two storey front side and rear extensions and alterations to roof including rear dormer window to accommodate a loft conversion.**

Site Address: 9 Albemarle Road East Barnet, Herts EN4 8EQ
Application Number: N13591A/04
Application Type: Full Application
Decision: Refuse
Decision Date: 15/04/2004
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Part single, part two storey front, side and rear extensions and alterations to roof including rear dormer window to facilitate a loft conversion.**

Site Address: 9 Albemarle Road East Barnet Barnet Hertfordshire EN4 8EQ
Application Number: N13591/03
Application Type: Full Application
Decision: Refuse
Decision Date: 23/04/2003
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Part single, part two-storey front, side and rear extensions and alterations to roof including rear dormer window to facilitate a loft conversion.**

Site Address: 9 Albemarle Road, Barnet, Herts, EN4 8EQ
Application Number: 00713/10
Application Type: Full Application
Decision: Refuse
Decision Date: 28/06/2010
Appeal Decision: Dismissed
Appeal Decision Date: 28/06/2010
Proposal: **Part single, part two storey side & rear extension following demolition of existing garage. Single storey front extension.**

Case Officer: Fiona Dinsey

Site Address: 9 Albemarle Road, Barnet, Herts, EN4 8EQ
Application Number: 00738/10
Application Type: Householder
Decision: Refuse
Decision Date: 19/04/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey front, Part single part two storey side & rear extension**
Case Officer: Fiona Dinsey

Site Address: 9 Albemarle Road, Barnet, Herts, EN4 8EQ
Application Number: 02513/10
Application Type: Householder
Decision: Withdrawn
Decision Date: 20/08/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey front extension and single storey side extension. Part single, part**

two storey rear extension forming new basement level.

Case Officer: Fiona Dinsey

Site Address: 9 Albemarle Road, Barnet, Herts, EN4 8EQ
Application Number: B/04273/10
Application Type: Full Application
Decision: Refuse
Decision Date: 10/12/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey front extension and single storey side extension. Ground and lower ground floor rear extension forming a new basement level. New access stairs to rear garden.**

Case Officer: Fiona Dinsey

Site Address: 9 Albemarle Road, Barnet, Herts, EN4 8EQ
Application Number: 04704/10
Application Type: Section 191
Decision: Unlawful Development
Decision Date: 11/03/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Part single, part two storey front side and rear extensions. Alterations to roof including rear dormer window to facilitate a loft conversion, as granted under reference number N13591B/04 dated 7th September 2004.**

Case Officer: Fiona Dinsey

Site Address: 9 Albemarle Road, Barnet, Herts, EN4 8EQ
Application Number: B/01552/11
Application Type: Householder
Decision: Refuse
Decision Date: 07/11/2011
Appeal Decision: Dismissed
Appeal Decision Date: 07/11/2011
Proposal: **Part single, part two storey front, side & rear extensions. Alterations to roof including rear dormer window to facilitate a loft conversion**

Case Officer: Fiona Dinsey

Site Address: 9 Albemarle Road, Barnet, Herts, EN4 8EQ
Application Number: 02160/09
Application Type: Full Application
Decision: Refuse
Decision Date: 14/08/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Part single, part two-storey side and rear. Single storey front extension.**

Case Officer: Fiona Dinsey

ENF/450/10/B An Enforcement complaint was received in 2010 in respect of unauthorised building works. Applications have been submitted in respect of these works (see planning history above). An Enforcement Notice was served on 12/04/2011 requiring the following:

- Demolition of side and rear extensions
- The permanent removal of the property of all constituent materials resulting from the works in the demolition of the side and extensions

The period of compliance was six months. The applicant appealed against the enforcement notice in 2011. The appeal was dismissed and the notice upheld on 7th November 2011. The

expiry date for the period of compliance is now 8th May 2012.

Consultations and Views Expressed:

Neighbours Consulted: 15

Replies: 13 of which 9 were
objections and 4 were
letters of support

Neighbours Wishing To 2
Speak

The objections raised may be summarised as follows:

- The house is too big and ugly
- Looks like a block of flats
- Loss of privacy
- Overdevelopment of the site
- Overlooking
- Set a precedent for other large and inappropriate developments
- Original house has been swallowed by extensions
- As the side extension has been built so close to the neighbouring property a traditional guttering system cannot be used as this would overhang and does not match the original house
- Proposal is too large and deep
- Extra people living in the house will have a negative effect on the peaceful enjoyment of neighbouring properties
- There are little differences between this application and the previous application
- Neighbouring windows to toilets and landings have no natural light
- Views are of a brick wall
- Splayed wall built without planning permission is ugly and overbearing
- Visually obtrusive

2. PLANNING APPRAISAL

Site Description and Surroundings:

The property is a two-storey semi-detached single family dwelling in an established residential area. The dwelling is situated in a road of similar semi-detached properties.

There have been a number of extensions which are visible from the street, many of which were constructed under old policy and guidance.

Most properties have single garages to the side, with the exception of No.7 Albemarle Road as it was constructed on a narrower site due to the bend in the road.

The road has a significant slope resulting in a different finished floor level between each pair of semi-detached properties. The difference in floor levels ranges from 1-2m between each of the properties along the road.

The property previously had a single storey rear conservatory and a detached side garage but these have been demolished as an extension is currently under construction on the site,

and has been for some time.

The existing extension on site which is not yet completed will be amended and reduced as a result of this property. The application property has previously been extended by way of a large dormer and hip to gable roof extension. This will also be amended and reduced as a result of this proposal.

Application History

Planning permission was approved in September 2004 for 'part single, part two storey front, side and rear extensions and alterations to roof including rear dormer window to accommodate a loft conversion'.

The foundations for this extension were constructed following this approval.

The property was then extended by way of a hip to gable roof extension and rear dormer window under permitted development.

Following this roof extension, another application for a 'part single, part two storey side and rear extension following demolition of existing garage and a single storey front extension' was submitted and subsequently refused in April 2010. This application was dismissed at appeal in June 2010.

The roof extensions were considered to have changed the character, appearance and roof form of the property and this change was considered to materially alter the impact of the previously approved extension.

So whilst the main differences between the approval in September 2004 and the application dismissed in June 2010 are relatively minor, due to the size, design and siting of the roof extensions, it was considered that the approved design can no longer be achieved on the site.

Various applications to overcome reasons for refusal have also since been considered, including the single storey extensions seen by the Chipping Barnet Area Sub-Committee in December 2010. The most recent application was refused in June 2011 and subsequently dismissed at appeal in November 2011.

Proposal:

The current application seeks planning permission for an almost identical scheme to that refused and dismissed at appeal last year under reference B/01552/11.

In order to facilitate the proposed development the existing roof extensions will be removed and reduced and the existing ground floor extensions (currently under construction) will also be amended and reduced.

The differences between this application and the most recent refusal are as follows:

- Reduction in the width and depth of the ground floor side extension
- Internal alterations to provide an internal stairway leading down to a door at garden level

(rather than at the internal floor level)

At ground floor level the extension projects forward from the front wall by 1.3m. Extending to a maximum width of 3.2m it projects to the side boundary shared with No.7 and extends along this tapered site boundary rearwards for a depth of 6m. After this depth the extension cuts away from the boundary by a minimum of 0.2m and a maximum of 0.65m for a depth of 3m. At this point a flat roof is proposed at what would be ground level above what will be the internal stairwell allowing access to the garden. The existing wall along the boundary is to be reduced to the same height as the patio at No.7. The single storey rear extension would have a width of 8.3m, depth of 3.9m and a height of 4.5m.

The ground floor extensions as viewed from the front will have a maximum height of 4.1m with a pitched roof. Given that there is a change in levels across the site as it falls to the rear, the height of the extension increases. From the rear, the maximum height of the extension will reach 4.6m from the original ground level. The ground floor extensions to the rear propose a flat roof.

At first floor level the extension is set back from the main front wall of the house 1m and set in from the side boundary with No.7 by 1m. This extension also follows the tapered side boundary but the depth is less than at ground floor, extending to 6.5m. At this point the extension cuts away from the side boundary by a further 1.5m and projects from the main rear wall of the house by a further 2m to form a first floor rear extension. This had a width of 4.2m overall, set 3.5m from the boundary with the attached neighbour, No.11.

The overall height of the two storey extension is proposed at 8.4m to the front, set down from the main ridge by 0.4m. From the rear the extension is proposed at a maximum height of 8.8m with a pitched roof set down from the ridgeline.

At roof level a dormer window is proposed with a height of 1.8m, a width of 2m and a depth from the main roofslope of 2.4m.

One of the main changes in this proposal to that approved in 2004 is the introduction of a basement level which utilises the change in levels across the site. The ground level has been reduced by 0.5m from the boundary with No.11 to facilitate this development.

The access from the ground floor extension to the garden is now being provided via a door at basement (garden level).

Planning Considerations:

Character and Appearance

On dismissing the appeal in November 2011, the Inspector stated '*The layout of the roads and buildings in the area gives scope in some cases for the erection of side extensions so they are not locally uncharacteristic features, if not always blending well with their surroundings*'. He then went on to state '*Both the 2004 permission and the previous appeal scheme involved extensions set on or next to the side boundary at ground floor level. That remains so under the current scheme, with a set in at first floor level of 1m, thus retaining the 2m gap between flank walls sought by the DGN. It would also be set further in at the front of the house at that level than under the dismissed proposal, again meeting the DGN figure, of*

1m, and giving it a more subordinate appearance to the main house. Further, at the front of the house at least, the extension would be significantly less than half the width of the main house, albeit with a new porch'.

Further comments include *'Despite the closing of the gap to the boundary at ground floor level therefore, the present proposal would blend well with neighbouring properties and maintain the appearance of the streetscene', 'Despite the size of the extensions therefore I do not consider the resulting building would be so obtrusive as to cause harm to the surroundings generally, nor therefore that on this issue it would be in conflict with the UDP..'*

The alterations to the rear were approved in September 2004 and are still considered to have an acceptable impact on the appearance of the property. The proposed basement level is not considered to harm the character and appearance of the host property and will not be readily visible to adjacent occupiers. The internal changes to provide a doorway at basement level are considered to be appropriate and would have a minimal impact on the character and appearance of the host property.

Residential Amenity

The extensions as proposed are considered to have an acceptable impact on the residential amenities of adjacent occupiers given that this relationship was approved in September 2004. The main change in respect of amenity relates to the door in the rear elevation which was originally at floor level (above ground) with a landing area and steps next to the side boundary with No.7 as well as pulling the extension in off this boundary. The Inspector in dismissing the most recent appeal stated *'With such a marked drop in levels, and given the level of amenity presently enjoyed by the occupiers of No.7, this arrangement would result first in a still overbearing feature at this point, and more importantly, an unacceptable loss of privacy and sense of intrusion resulting from the passage of people to and from the garden so close to the boundary and well above it'*

By providing a doorway at garden level, with internal stairs ensures that when the occupiers of the host property are entering and leaving the extension, they will not be able to directly overlook the side boundary in to the neighbouring garden at No.7 nor is it considered to result in a perception of being overlooked especially given the presence of the boundary fencing/wall which is some 2.2m above the garden level of the application site. It is considered that whilst the proposed flat roof of the rear extension could be used as a balcony or terrace area, a suitably worded condition has been recommended to ensure that it is not used as an amenity area to prevent direct overlooking.

The splayed side wall which has been built on site will be retained as existing until it reaches the rear wall of the main house of No.7 and from then it will be reduced in height to no more than the patio level of No.7 and so would not be overbearing to the occupiers of No.7.

When considering the appeal in June 2010 the Inspector raised a concern that the proposed two storey side extension would appear overbearing to No.7, however amendments have been made to the proposal both in the current application and the previous application which was dismissed at appeal in 2011.

Whilst it is acknowledged that the windows to the side of No.7 will be sited close to the wall of the proposed side extension, these windows are not serving habitable rooms. As per the

Inspectors comments any loss of light or outlook to these windows cannot form a reason for refusal.

It is acknowledged that the ground floor rear extension, along the boundary with No.11, exceeds Council Design Guidance for single storey extensions. This is because it projects to a depth of 3.9m, 0.4m deeper than advised. However, in this instance the extension is considered acceptable at this depth and this is because the extension replaces a previously existing conservatory which projected to the same depth as proposed. It was also not raised as an issue by the Inspector who determined the most recent appeal.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Dealt with in the planning appraisal

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

This application is considered to have overcome the previous reasons for refusal and the issues highlighted by the Inspector in the most recent appeal. The proposal would result in acceptable extensions to this property and would have a minimal impact on residential amenity. It is therefore recommended that this application is approved subject to conditions.

SITE LOCATION PLAN: 9 Albemarle Road, Barnet, Herts, EN4 8EQ

REFERENCE: B/05129/11



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