

LOCATION: 77A Leicester Road, London, N2 9DY

REFERENCE: F/00721/12

Received: 22 February 2012

Accepted: 22 February 2012

WARD(S): East Finchley

Expiry: 18 April 2012

Final Revisions:

APPLICANT: Capital Homes (London) Ltd

PROPOSAL: Single storey rear and side extension.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site and Location Plan; Plan No's: B2625-01; B2625-02 Rev B.

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 The use of the extension hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit.

Reason:

To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties.

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 (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):
GBEnv1, GBEnv2, D1, D2, D4, D5, H18, H27.

Supplementary Planning Guidance:
Barnet Design Guidance Note No. 5 – Extensions to Houses.

Core Strategy (Submission version) 2011:
CS5.

Development Management Policies (Submission version) 2011:
DM01, DM02.

ii) The proposal is acceptable for the following reason(s): -
The proposal would comply with the Council policies that seek to preserve the characters of areas and individual properties. Consideration has been given to the impact of the extension on neighbouring occupiers and it is considered that this extension will not harm the amenity of neighbouring occupiers. **Approval** is recommended.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework 2012

Relevant Unitary Development Plan Policies:

GBEnv1, GBEnv2, D1, D2, D4, D5, H18 and H27.

Supplementary Planning Guidance:

Barnet Design Guidance Note 5 – Extensions.

Core Strategy (Submission Version) 2011:

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (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.

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy 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.

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01, DM02, CS5.

Relevant Planning History:

Site Address: 77A Leicester Road, London, N2 9DY
Application Number: F/00721/12
Application Type: Householder
Decision: Refuse
Decision Date: 12/20/2011
Appeal Decision: Dismissed
Appeal Decision Date: 12/20/2011
Proposal: **Single storey rear and side extension (Amended Description).**
Case Officer: Neetal Rajput

Consultations and Views Expressed:

Neighbours Consulted: 12
Neighbours Wishing To 2
Speak
Replies: 5

The objections raised may be summarised as follows:

1. Bulk and mass of extension.
2. Pitched roof – incongruous to the rest of the current building and stuck on and detracting to the structure.
3. Loss of light from proposal.
4. Children use the garden – their enjoyment of the garden would be severely impaired.
5. The proposal is far too large and takes up the majority of the garden – sheer scale of the means that the current view which is uninterrupted becomes a brick wall.
6. Loss of garden – not suitable for a family.
7. The proposed extension will be hard against rear fence, potentially blocking rear access.
8. As security against break-ins this rear access alley has locked gate erected by local neighbourhood group – the security would be lost.
9. This developer is known for putting up cheap constructions out of keeping with the local properties.
10. This is already built area with very limited residents parking space.
11. This application does not appear greatly changed from the previous one at this site, same concerns still apply.
Although the 20cm reduction in width to the side extension is welcomed – the proposal still extends the same length from the existing buildings.
12. The increased roof pitch is more sympathetic – this increases the overall height and bulk of the proposal.

13. Tree and biodiversity issues – loss of wildlife, loss of plants, trees and scrubs that are near the proposed extension.
14. The site location and layout plans are incorrect – rear garden belongs to a neighbour.
15. Cellar at the application site - flooding and overflow into neighbouring properties, damp, proposed extension will worsen the problem.
16. Supporting statement – property more suitable for families, currently a shortage of places in schools.
17. Sustainability – more dubious than stated.
18. Precedent the extension will set for other gardens.
19. Appeal Decision (APP/N5090/A/11/2160176), states that the proposed built form would be substantial in scale and bulk... and ...these features would cause the new addition to sit uncomfortably at the rear of the terrace.. . Having reviewed the revised designs we can only conclude that this will still be the case given the size of the proposed extension and the small plot of land that it occupies.
20. The proposal states that they want to make this into a 2 bedroom family home but there is not many affordable first time buyer properties (or starter homes) for elderly, single people or a couple without children.
21. The extension will not be in keeping with the surrounding area and we are not aware of any similar extensions in the area on this scale and believe this will create a precedent if allowed to continue.
23. The extension will be detrimental to the character of the area (a concern voiced by Mr Gary Deane in the Appeal Decision).
24. An infringement of the right to light for windows that has been in place for over 20 years. And kindly ask the council to explore if this will be the case.
25. Concern that the boundary side of the proposed extension will run along the fence and this may create problems with access, maintainability, established plants and scrubs etc.
26. Cellar was flooded the people from Thames water did ask if there was an extension built at the back as this could make us prone to more floods in the basement as this increases the water level in the area and rain water could not run away easily. And this should be a concern for the council.
27. In the supporting documentation (page 2) it states that problems faced by previous occupiers has been that while the property is big enough to be occupied by a couple it is not big enough for couples with young infants or those who wish to start a family. However, to our knowledge the previous occupiers were a young couples or single people who usually stayed for several years. Moreover, as examples, the last occupiers stayed for over a year and would have stayed longer had it not been the uncertainty over the proposed build; other previous tenants stayed there for over 5 years and 3 years (and their leaving did not coincide with wanting to start a family).
28. In the technical drawings (B2625-02) End Elevation: The slanted angle of the roof adjoining 75 does not mention how far down it will come and how the drainage will work. Is the drawing drawn to scale?
27. Referring to point 7 on the Application Trees and Hedges: We believe that shrubs and plants that run along the boundary with 75 will be jeopardise with the proposed extension and may have to be pruned or removed to carry out the extension.
29. In the supporting documentation detailing the Site plan (page 41 on the Site Location Plan and on the drawing number B2625-01) it needs to be pointed out that this is a ground floor flat with half a garden and not the full length garden illustrated on the plans. On drawing B2625-01, it is not clear what the Site Layout section is detailing (i.e. this is not 77a Leicester Road).

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is an end terrace property on Leicester Road in the East Finchley ward. The property has an L-shaped footprint created by an original two storey rear wing, which is characteristic of the properties along this street. The property is sub-divided into two self contained units which has been confirmed by Council tax records.

Proposal:

The application relates to a single storey rear and side extension to Ground Floor Flat 77 Leicester Road.

The proposal ground floor rear extension will project 3 metres deep along the boundary with No. 75 Leicester Road.

Single storey side extension projects sideways from the rear wing by 1.3 metres.

Both the single storey side and rear element of the proposal has a height of 3.3 metres with a pitched roof.

There has been a previous application F/02055/11 for a single storey side and rear extension. The application was refused at Planning Sub Committee and subsequently dismissed at an appeal (Ref: APP/N5090/A/11/2160176). The appeal decision has been added to this report.

Planning Considerations:

In light of the appeal decision, it is considered that this application has overcome the Inspectors concerns. In paragraph 7, the Inspector states that *“Taken together with the shallow pitched roof, which would appear almost flat, the proposed extension would appear as a large ‘box like’ addition that would be out of proportion with the remainder of the appeal building.”* In order to address this, now a pitched roof is proposed and a reduction in the width of the side extension, there is now a distance of 1.45 to 1.8 metres to the boundary as it splays. Previously proposed the distance to the boundary was 0.9 metres. This ensures that the side extension does not appear to be a *‘box like’* addition to the application site.

“The proposed full length windows in the rear elevation would also jar with the modest pattern of fenestration on the rear elevation of the appeal building and nearby properties.” Previous proposed there was a considerable amount of glass on the rear elevation. This has been now amended to only have the insertion of patio doors which has reduced the volume of full length windows and thus addresses the Inspectors concerns. It is now considered that the fenestration better matches the application site and would be in character with the application site and immediate neighbouring properties.

The proposed side extension would also comply with Council policies that seek to preserve the amenities of neighbouring occupiers. The design, size and sideward projection of the proposed extension is such that it would not have an adverse impact on the residential and visual amenities of the neighbouring occupiers. The side extension backs the gardens of the properties facing Durham Road and there is a considerable form of screening along the boundary in the form of a hedge. Thus there

will be little impact to the loss of light, sense of enclosure and outlook to neighbouring properties. Hence, the proposed extension will not cause harm in terms of its impact on the amenity of neighbouring residential occupiers. In addition, the side extension remains in line with the existing building line of the property and thus is not considered to be an overdevelopment of the application site.

The proposed height of the rear and side extension at 3.3 metres would, in itself, ensure that there was no unduly oppressive sense of enclosure that was overbearing, or unacceptable loss of daylight or sunlight. For these reasons, the living conditions of the neighbouring properties within the immediate area would not be harmed.

The single storey rear extension does comply with Council policies that seek to preserve the amenities of neighbouring occupiers. The design, size and rearward projection of the extension is such that it does not have an adverse impact on the residential and visual amenities of the neighbouring occupiers. Design Guidance Note No. 5 - Extensions to Houses states that single storey rear extensions to terrace houses projecting up to a maximum of 3 metres in depth along the boundary with a property will normally be acceptable. Thus, this extension is in accordance with Council guidance, as the extension measures 3 meters in depth along the boundary with the neighbouring property No. No. 75 Leicester Road.

The Inspector within paragraph 12 of the appeal decision, refers to the single storey rear extension in which he states that the height and length would not appear overbearing nor result in loss of light to the occupiers of No. 75. In addition in terms of the relationship of the proposed extension with the properties fronting Durham Road, he states that as the proposed extension will be set some distance and partially screened by existing vegetation the outlook and light to these properties would not be unacceptably harmful to their occupiers.

The proposed development respects the proportions of the existing house. It is not considered that the extension is overbearing or unduly obtrusive and therefore there would not be any significant impact on privacy, loss of light, loss of outlook or overbearing in relation to neighbouring properties. As such, policies in Barnet's UDP would be complied with, in particular D2 in respecting its character and appearance, D5 in *'allowing for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users'* and H27 as it has no significant effect on the amenity of neighbouring occupiers.

It is not considered that the proposed side and rear extension will be harmful to the character of the area or the amenities of the neighbouring occupiers. The application is therefore recommended for **APPROVAL**.

3. COMMENTS ON GROUNDS OF OBJECTIONS

It is considered that the planning related concerns raised on this application were not sufficient to constitute a reason for refusal.

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

The proposal would comply with Council policies that seek to preserve the character of areas and individual properties. The design and sitting of the extension is such that it would not have a detrimental impact on the amenity of neighbouring properties. The application is therefore recommended for **APPROVAL**.

APPENDIX

Appeal Decision

Site visit made on 29 November 2011

by Gary Deane BSc(Hons) DipTP MRTPI an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 December 2011

Appeal Ref: APP/N5090/A/11/2160176

77A Leicester Road, East Finchley, London N2 9DY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Harpal Bhohi against the decision of the Council of the London Borough of Barnet.
- The application Ref F/02055/11, dated 14 May 2011, was refused by notice dated 13 July 2011.
- The development proposed, as stated on the application form, is the erection of a ground floor rear extension.

Decision

1. The appeal is dismissed.

Procedural matters

2. The Council's description of the proposal, which refers to a single storey side and rear extension, more accurately reflects the development sought than that given on the application form. I have assessed the proposal on that basis.
3. I have had regard to the draft National Planning Policy Framework (NPPF). As the NPPF is in draft form, and therefore its content may change, I accord its policies limited weight.

Main issue

4. The main issue is the effect of the proposed development on the character and appearance of the appeal property and the local area.

Reasons

5. The appeal property, 77A Leicester Road, is a ground floor flat in a 2-storey end of terrace building that is located in a predominantly residential area. The proposal is a single storey addition to No 77A that would wrap around part of the side and across the rear of the appeal building's 2-storey outtrigger.
6. The appeal scheme has been carefully designed to reflect the Council's guidelines that, amongst other things, seek to protect residential amenity. Specifically, the new addition would be modest in height and set back from the site's side boundary, beyond which is a narrow alleyway and the rear of properties which front Durham Road. In addition, the depth of the proposed Appeal Decision APP/N5090/A/11/2160176 2 rear extension would accord with the advice in the Council's Design Guidance No.5, *Extensions to houses Revised*

(March 2010) (DG5).

7. Notwithstanding, the proposed built form would be substantial in scale and bulk. Taken together with its shallow pitched roof, which would appear almost flat, the proposed extension would appear as a large 'box-like' addition that would be out of proportion with the remainder of the appeal building. In that context, it would conflict with DG5, which advises that extensions should broadly respect the shape and form of the existing building. The proposed fulllength windows in the rear elevation would also jar with the modest pattern of fenestration on the rear elevation of the appeal building and nearby properties. Overall, these features would cause the new addition to sit uncomfortably at the rear of the terrace to which No 77A belongs.
8. National guidance in Planning Policy Statement 1, *Delivering Sustainable Development*, indicates that design which is inappropriate in its context should not be accepted. Similarly, the draft NPPF, while encouraging sustainable development, notes that development which fails to take the opportunity to improve the character and quality of an area should be rejected.
9. Against that background, I conclude that the proposal would add a visually obtrusive and discordant element to the existing building and the terrace to which it belongs, which would significantly harm the character and appearance of the local area. It would conflict with Policies GBEnv1, D2 and H27 of the London Borough of Barnet Unitary Development Plan (UDP) and DG5. These policies and guidance seek to ensure that development protects and enhances the quality and local character of the environment and is in keeping with the appearance, proportion and design of existing and neighbouring buildings.
Other matters
10. The proposal would provide an extra space for the occupiers of No 77A and create living accommodation that would be more suitable for families than at present. However, there is nothing before me to suggest that these benefits could only be achieved in the manner proposed. They do not outweigh the harm that I have identified.
11. Reference is made to other properties in the local area that have been externally altered and extended including 7 Huntingdon Road, East Finchley, which was recently granted planning permission on appeal. Having carefully considered each of these cases, and having seen several examples of extended buildings close to the site, I consider that none have additions that are comparable in scale and form as that proposed. While I saw that flat roofs are a feature of some properties in the vicinity of the site, none had the same relationship with the host building as in this case. Therefore, these examples do not set a precedent nor lend support to the appellant's case.
12. The side wall of the proposed rear extension would be evident when viewed from the rear of the attached property, 75 Leicester Road. As the height and length of this new wall would be modest I doubt that it would appear overbearing nor result in an undue loss of light to the occupiers of No 75, especially given its southerly rear aspect. As views from the rear of the Durham Road buildings would generally be from some distance and partially screened by existing vegetation the effect of the proposal on the outlook from, Appeal Decision APP/N5090/A/11/21601763

and light reaching to, these properties would not be unacceptably harmful to their occupiers. With regard to privacy, in my experience, some overlooking is a common characteristic of the relationship between houses in tightly knit builtup areas. In that context, and given the existing fence and vegetation that generally mark the site's eastern and southern boundaries, I consider that there would be no undue additional overlooking as a result of the proposal. I have taken into account the credentials of the site as an accessible location and noted that it does not fall within a conservation area. I also acknowledge the proposed use of external materials would be appropriate to the existing building. Nevertheless, my findings on these particular matters do not outweigh my concern on the main issue.

13. Interested parties raise several additional objections to the proposal including, garden space, access for maintenance, precedent, trees and wildlife. These are important matters and I have taken into account all of the evidence before me. However, given my findings on the main issue, these are not matters on which my decision has turned.

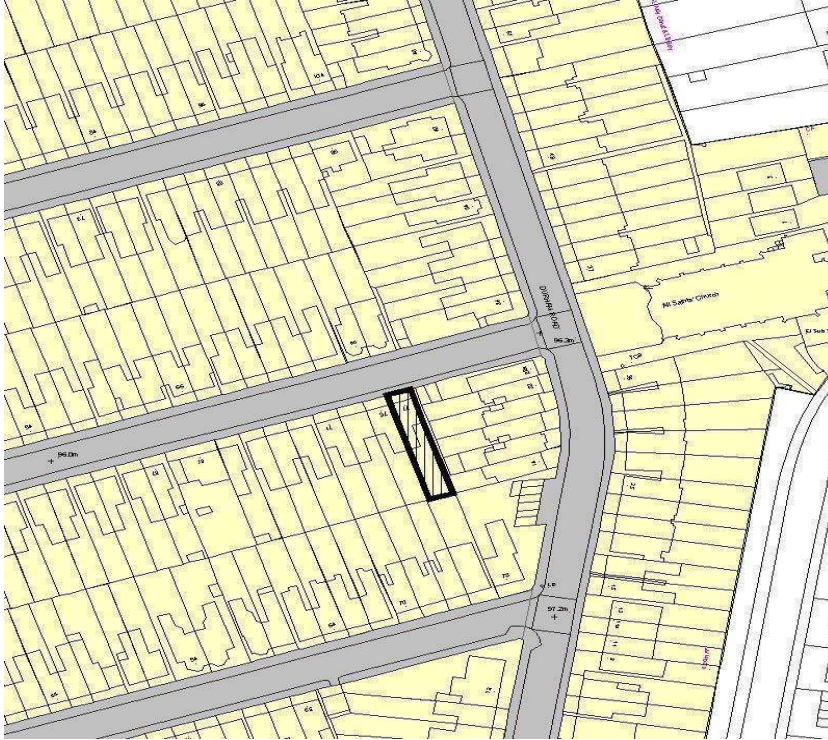
Conclusion

14. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Gary Deane
INSPECTOR

SITE LOCATION PLAN: 77A Leicester Road, London, N2 9DY

REFERENCE: F/00721/12



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