

**LOCATION:** 37 Dukes Avenue, London, N3 2DE

**REFERENCE:** F/00938/12

**Received:** 08 March 2012

**Accepted:** 08 March 2012

**WARD(S):** West Finchley

**Expiry:** 03 May 2012

**Final Revisions:**

**APPLICANT:** Mr Khamisa

**PROPOSAL:** Single storey rear extension and erection of metal railing to create first floor rear balcony (to the same footprint as existing). Alterations to existing loft space including insertion of 2no front rooflights.

**RECOMMENDATION: Approve Subject to Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan; block plan; 786/SK/SU-100; 786/SK/PP-101 RevB.

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 proposed balcony shall be implemented in accordance with plan number 786/SK/PP-101 RevB, and should be maintained as such thereafter. The remaining 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.

**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, D2, D5 and H27.and Design Guidance Note No.5- Extensions to Houses.

Core Strategy (Submission version) 2011:

Relevant policies: CS5

Development Management Policies (Submission version)2011:

Relevant Policies: DM01, DM02.

ii) The proposal is acceptable for the following reason(s): -

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 UDP policies 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.

## **1. MATERIAL CONSIDERATIONS**

National Planning Policy Framework March 2012:

The determination of planning applications is made mindful of Central Government advice and the Development 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 basic question is whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

'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 NPPF sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

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 Unitary Development Plan Policies:

Adopted Barnet UDP (2006): GBEnv1, D2, D5 and H27.

### Supplementary Planning Guidance:

Barnet Design Guidance Note 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.

### Core Strategy (Submission Version) 2011:

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.

### Relevant Core Strategy Policies: CS5,

### Development Management Policies (Submission Draft) 2011:

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

### Relevant Development Management Policies: DM01, DM02

### Relevant Planning History:

<b>Application:</b>	Planning	<b>Number:</b>	F/03104/11
<b>Validated:</b>	20/07/2011	<b>Type:</b>	HSE
<b>Status:</b>	APD	<b>Date:</b>	17/11/2011
<b>Summary:</b>	DIS	<b>Case Officer:</b>	Robert Marchant
<b>Description:</b>	Single storey rear extension. Extension to length of existing first floor rear balcony with a railing. Alterations to the loft including insertion of 2no. rooflights.		

<b>Application:</b>	Planning	<b>Number:</b>	F/05092/11
<b>Validated:</b>	20/12/2011	<b>Type:</b>	HSE
<b>Status:</b>	DEC	<b>Date:</b>	10/02/2012
<b>Summary:</b>	APC	<b>Case Officer:</b>	Elizabeth Thomas
<b>Description:</b>	Single storey rear extension. Removal of door at first floor rear elevation and replacement with window to match existing. Removal of existing rear railings at first floor. Alterations to the loft including insertion of 2no. rooflights at front elevation.		

## Consultations and Views Expressed:

Neighbours Consulted: 14      Replies: 4 (3 support 1 objection)  
Neighbours Wishing To Speak 2

The objections raised may be summarised as follows:

- Intrusive, loss of privacy.
- Balcony will be at a greater height, length and depth than the currently existing balcony which will exacerbate problems further.
- When the existing balcony was used felt obtrusive and overlooked which causes ongoing unhappiness.
- Living conditions will be harmed as stated in inspector's report.

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site is an Edwardian linked terrace property in a dense residential area close to Finchley Central. To the rear there is an angular bay over two storeys close to the boundary with No 39 and an original 4m deep single storey extension adjacent to the boundary with No 35. The roof of this extension is currently used as a terrace accessed from a narrow, white painted timber door at first floor level.

The original form of the neighbouring properties is as stylistically identical mirror images. No 35 also benefits from a 6m deep single storey rear extension adjacent to the boundary, around 0.5m higher and with a similar roof terrace on top. No 39 has a single storey conservatory type extension along the boundary approximately 4m deep.

### Proposal:

The application relates to a single storey rear extension and erection of metal railing to create first floor rear balcony (to the same footprint as existing). Alterations to existing loft space including insertion of 2no front rooflights.

### Planning Considerations:

Two planning applications have previously been submitted at the property. The first application F/03104/11 was refused planning permission for Single storey rear extension. Extension to length of existing first floor rear balcony with a railing. Alterations to the loft including insertion of 2no. rooflights. The refusal was upheld at appeal.

A second application reference F/05092/11 was approved subject to conditions for a "*single storey rear extension. Removal of door at first floor rear elevation and replacement with window to match existing. Removal of existing rear railings at first floor. Alterations to the loft including insertion of 2no. rooflights at front elevation.*"

The current application relates to extensions to the property, the extensions will be the same as those approved planning permission. The current application now proposes to create a new balcony on the roof of the proposed extension to the same footprint of the existing

balcony. The proposed balcony will occupy the same area as the existing balcony, however, it will be raised 0.5m and be at the same level as the balcony at 35 Dukes Avenue.

In assessing the current application the appeal inspectors report is taken into consideration to identify whether the reasons for refusal have been overcome. In assessing the impact on the residential occupiers at 35 Dukes the inspector's report it is acknowledged that *there is already potential for significant overlooking between the balconies at the neighbouring property and the appeal site, which would not be significantly changed as a result of the proposal.*

In assessing the potential harm to the occupiers at 39 Dukes Avenue the inspector's notes that *the greater depth and the resultant position of the additional external space would enable particularly intrusive overlooking into the first floor bay window of the bedroom at the adjacent dwelling at 39 Dukes Avenue. The perimeter railings would not significantly restrict this due to their fairly modest height and transparent nature.*

*It is accepted that there are other rear balconies in the vicinity. However, this proposal concerns the enlargement of a balcony rather the principle of such a feature.*

The balcony as now proposed is on the same footprint as the existing balcony and therefore the proposal no longer concerns the enlargement of the balcony rather the principle. The proposal is considered now to be acceptable, it is not considered that being set 0.5m higher than the existing balcony will result in any adverse impact to the neighbouring residential occupiers.

The inspector raised no concerns with the proposed extension. This element was granted approval under application F/05092/11.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

All planning related matters are considered to be covered.

### **4. EQUALITIES AND DIVERSITY ISSUES**

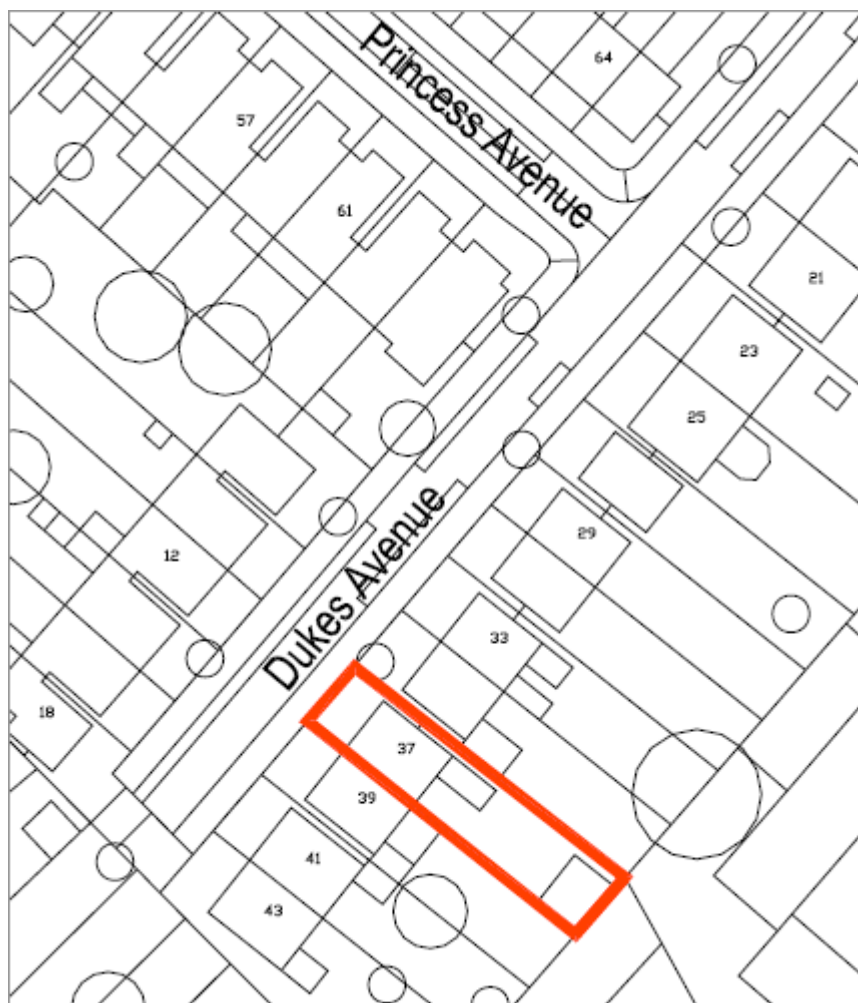
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **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 UDP policies 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 in keeping with Council Policies and Guidelines and is therefore recommended for **APPROVAL**.

**SITE LOCATION PLAN: 37 Dukes Avenue, London, N3 2DE**

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