

**LOCATION:** 73 Kingsbury Road, London, NW9 7HU  
**REFERENCE:** H/01542/14 **Received:** 20 March 2014  
**Accepted:** 20 March 2014  
**WARD(S):** West Hendon **Expiry:** 15 May 2014

**Final Revisions:**

**APPLICANT:** Mr Kadiri

**PROPOSAL:** Part single, part two storey rear extension. New front ramp access.

**RECOMMENDATION: Refuse**

- 1 The proposed ground floor rear extension by reason of its size, siting and rearward projection will have a detrimental impact on the residential and visual amenities of the occupiers of the neighbouring residential property at No 75 Kingsbury Road, resulting in loss of light and outlook. The proposal will be contrary to policies CS1 and CS5 of the adopted Core Strategy (2012) and policies DM01 and DM02 of the adopted Development Management Policies DPD (2012) and contrary to the adopted Residential Design Guidance SPD (2013).

**INFORMATIVE(S):**

- 1 The plans accompanying this application are: A-E001, A-P-001, A-E101, A-P-101, A-E102, A-P-102, A-E203, A-P-203, A-E202, A-P-202, A-E201, A-P-201, A-E204, A-P-204, A-E301, A-P-301, A-P-302, A-P-303, A-E403, A-P-403, A-P-404.
- 2 In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, 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 applicant did not seek to engage with the Council prior to the submission of this application through the established formal pre-application advice service. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the Council to discuss possible solutions to the refusal reasons.

## **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, DM02.

#### Supplementary Planning Documents and Guidance

Supplementary Planning Document (SPD) - Sustainable Design and Construction  
Supplementary Planning Document (SPD) - Residential Design Guidance

#### Relevant Planning History:

<b>Application:</b>	Planning	<b>Number:</b>	H/06090/13
<b>Validated:</b>	02/01/2014	<b>Type:</b>	PAH
<b>Status:</b>	DEC	<b>Date:</b>	11/02/2014
<b>Summary:</b>	PANR	<b>Case Officer:</b>	Prior Approvals Officer
<b>Description:</b>	Single storey rear extension with a proposed depth of 5.2 metres, eaves height of 3 metres and maximum height of 4 metres.		

### Consultations and Views Expressed:

Neighbours Consulted: 3                      Replies: 1  
Neighbours Wishing To Speak 0

One letter of support has been received in respect of this application. At the time of writing the report the neighbour consultation period had not yet expired. Any additional representations received will be reported at the committee.

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site relates to an end-of-terrace single family dwelling house located on the south side of Kingsbury Road which is predominantly residential in character.

### Dimensions:

The application seeks permission for a part single, part two-storey rear extension and new front ramp access.

The proposed ground floor rear extension will measure 5.2 metres in depth, 7.35 metres in width and 3.5 metres in height with a flat roof. The proposed first floor rear extension will measure 3.85 metres in width, 3 metres in depth and 8.3 metres in height with a pitched roof.

The proposed entrance ramp will measure 1.2 metres in depth, 3.25 metres in width and 2 metres in height including railings.

### Planning Considerations:

The officers have tried to negotiate a smaller extension with the applicant however, the applicant has confirmed that the size of the extension is what is required to meet their needs.

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 SPD 'Residential Design Guidance' states that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant.

No objections are raised to the proposed front entrance ramp which is acceptable in terms of design and would not have a detrimental impact on the character and appearance of the street scene. Furthermore, the Council raises no objections to the proposed first floor rear extension which will be located 3.45 metres away from the boundary with No 75 Kingsbury Road and will be located 1.5 metres away from the neighbouring first floor rear extension at No 71 Kingsbury Road and will only project 1 metre beyond this neighbouring first floor rear extension. Accordingly, it is not considered that the proposed first floor rear extension would have a detrimental impact on the residential and visual amenities of the occupiers of the neighbouring residential properties.

Documentation accompanying this application states that a large rear extension is needed to create 2no. additional bedrooms, an accessible bathroom, kitchen and living room which is required to create wheelchair friendly facilities at the ground floor level to provide suitable accommodation for the owners of this dwelling.

However, concerns are raised regarding the size and siting of the proposed ground floor rear extension and its impact on the amenities of the neighbouring occupiers of No 75 Kingsbury Road. The proposed ground floor rear extension would project 5.2 metres in depth across the full width of the property. No objections are raised to the proposal in terms of its impact on the owners of No 71 as the proposed extension would only project 1.6 metres beyond the neighbouring rear extension and is therefore considered to have minimal adverse impacts on neighbouring amenity. However, No 75 Kingsbury Road does not benefit from any ground floor rear extensions and given the size of the proposed rear extension and the orientation with the neighbouring property (the application site is east facing) it is considered that the proposed ground floor rear extension will have an overbearing impact on the occupiers of No 75, resulting in loss of light and outlook. Whilst in special circumstances the Council may permit larger extensions that normally permitted under Council guidance, given the impact the proposal will have on neighbouring amenities, the proposal is considered unacceptable.

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

There were no objections to this application.

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

Under section 149 of the equalities act 2010, the Council has a duty to ensure that it

behaves as follows:

(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) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

(3) 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:

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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 from 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.

(4) 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.

(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

(b) Promote understanding

(6) 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.

(7) The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

(8) A reference to conduct that is prohibited by or under this Act includes a reference to:

- (a) a breach of an equality clause or rule;
- (b) a breach of a non-discrimination rule.

(9) schedule 18 (exceptions) has effect.”

In considering the application, the Council needs to pay due regard to protected characteristics under the Equalities Act.

Whilst it is recognised the particular needs of the applicant, in this instance it is not considered that this overcomes the planning concerns raised.

## **5. CONCLUSION**

This application is recommended for **REFUSAL**.

**SITE LOCATION PLAN: 73 Kingsbury Road, London, NW9 7HU**

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