

LOCATION: 18 Bedford Road, London, N2 9DA

REFERENCE: F/00969/14

Received: 20 February 2014

Accepted: 20 March 2014

WARD(S): East Finchley

Expiry: 13 June 2014

Final Revisions:

APPLICANT: Miss Asghar

PROPOSAL: Proposed rear extension to facilitate wheelchair lift and shower room

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 213038/05 and 213038/01.

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 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 surrounding area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 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 flank elevation, of the extension hereby approved, facing No. 16 Bedford Road.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

- 5 Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

INFORMATIVE(S):

- 1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. 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 Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

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, DM03.

Supplementary Planning Documents and Guidance

Residential Design Guidance SPD
Sustainable Design & Construction SPD

Equalities Act (2010)

Relevant Planning History:

Application:	Planning	Number:	F/03799/13
Validated:	22/08/2013	Type:	HSE
Status:	DEC	Date:	26/09/2013
Summary:	APC	Case Officer:	Tassama Amlak
Description:	Installation of access ramp with handrails to front of property.		
Application:	Planning	Number:	F/04027/13
Validated:	05/09/2013	Type:	Prior notification
Status:	DEC	Date:	04/10/2013
Summary:	Required and Refused	Case Officer:	Denisse Celi
Description:	Single storey infill rear extension with a proposed depth of 6 metres, eaves height of 2.48 metres and maximum height of 3.62 metres.		

Consultations and Views Expressed:

Neighbours Consulted: 4 Replies: 2
Neighbours Wishing To Speak 0

Summary of objections raised:

- The extension will result in a loss of light to a neighbouring property.
- The height of the extension will result in increased sense of enclosure to the patio area of a neighbouring property.
- The extractor unit in the proposed bathroom will result in increased noise and disturbance.

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site property is a two storey terraced property located on the north side of Bedford Road which is residential in character.

Dimensions:

The application seeks permission for a rear extension to facilitate wheelchair lift and shower room.

The proposed extension will have a maximum depth of 6 metres, a width of 1.6 metres and a maximum height of 3.2 metres with a mono pitched roof.

Planning Considerations:

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.

The application site has an L-shaped configuration with a two-storey outrigger on the right side of the property. The neighbouring property at 16 Bedford Road has a similar L-shape configuration and the application proposes to infill the area closest to 16 Bedford Road.

The proposed extension will provide a wheelchair lift and a shower room which is required to improve the living conditions of a physically impaired resident.

The proposed extension will have a maximum depth of 6 metres along the boundary with the neighbouring property 16 Bedford Road. The extension would have a height of 3.4 metres for a depth of 1 metre and then the height of the extension would reduce to 2 metres with a mono pitched roof.

Concerns have been raised that the proposed extension would result in a loss of light to the windows of a neighbouring property. However the proposed extension will have a height of 2 metres along the boundary with the neighbouring property at 16 Bedford Road and the mono pitched element of the roof will be set away from the boundary of this neighbouring property. It would only be perceptible from the rear gardens of neighbouring gardens and its relatively low height would limit its impact from neighbouring properties. Notwithstanding this it is considered that the proposals would result in some harm to neighbouring amenity given its rearward projection which needs to be weighed up against any other considerations.

It is important to consider the fallback position of development that could be constructed under permitted development by the applicant which is a material consideration in the decision making process. The weight to be given to the fallback position varies according to whether what could be built using permitted development would have a broadly similar or worse impact to what is proposed.

Under 'permitted development', the applicant could erect a 3 metre deep single storey rear extension up to 3 metres in height along the boundary with 16 Bedford Road which is considered to have a worse impact on the amenity of neighbouring occupiers than the side wall of the proposed extension in this part of the site. Past the first 3 metres of the extension, the applicant is able to build a 2 metre high wall which would have a similar impact on amenity than the proposed side wall of the extension.

Another material consideration is the weight to be given to the equality legislation (discussed in more details in section 4. below). In summary, officers consider that significant weight should be given to the needs of the applicant and that the size and position of the proposals (a ground floor shower room accessed by stairs/lift off the applicant's bedroom) are reasonable and cannot be easily provided at an alternative location within the site.

The extension would not appear unduly overbearing, given its relatively low height

and roof pitched away from the boundary. The proposed extension would not appear harmfully out of character within the general locality given other extensions within locality.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The extension will result in a loss of light to a neighbouring property. - *Addressed in main report.*

The height of the extension will result in increased sense of enclosure to the patio area of a neighbouring property.- *The height of the extension would reduce to the neighbouring boundary and this would limit the sense of enclosure caused.*

The extractor unit in the proposed bathroom will result in increased noise and disturbance. - *A condition has been suggested to ensure that noise from the extractor is not excessive.*

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 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.

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.

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 improving the facilities within the curtilage of the family home.

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, the officers consider that the benefits to the applicant (within a protected group) would outweigh any significant harm to residential amenities of the neighbouring property at Bedford Road.

5. CONCLUSION

Having taken all material considerations into account, it is considered that the limited harm caused by the rear extension on neighbouring amenity would be outweighed by the benefit to the disabled resident, and lack of harm to the character of the area. This application is therefore recommended for **APPROVAL**.

SITE LOCATION PLAN: 18 Bedford Road, London, N2 9DA

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