

**LOCATION:** 8 The Drive, Edgware, Middx, HA8 8PR

**REFERENCE:** H/03689/14

**Received:** 10 July 2014

**Accepted:** 10 July 2014

**WARD(S):** Edgware

**Expiry:** 04 September 2014

**Final Revisions:**

**APPLICANT:** Mr Ben Zion

**PROPOSAL:** Single storey side extension including new pitched roof over

**RECOMMENDATION: Refuse**

- 1 The proposed side extension by virtue of its scale and siting would fail to remain subordinate in scale to the original form of the property. The proposal would therefore have a detrimental impact on the character and appearance of the property and local area contrary to Policy DM01 (Protecting Barnet's character and amenity) of the Barnet Development Management Plan DPD, Policy CS5 (Protecting and enhancing Barnet's character to create high quality spaces) of the adopted Barnet Core Strategy, and Barnet's Residential Design Guidance SPD 2013.

**INFORMATIVE(S):**

- 1 The plans accompanying this application are: CB-00080; CB-00081; CB-00082; GF02A (Amended 25/08/2014); CB-00084; CB-00085; CB-00086; SE02A (Amended 25/08/2014).
- 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.

**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

The Council has adopted the following two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations. The Residential Design Guidance SPD (2013) and Sustainable Design and Construction SPD (2013) are now material considerations.

#### Relevant Planning History:

**Site Address:** Land adjoining Edgware Station, bounded by Northern Line Railway, housing in Parkfield Close and Fairfield Crescent Church Way; Station Road Edgware  
**Application Number:** W01960J  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 05/12/1984  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Retail shopping development and associated car park, public lavatories, servicing areas, management suite, plant and landscaped areas.**

**Case Officer:**

**Site Address:** 8 The Drive EDGWARE Middx  
**Application Number:** W03646B  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 12/09/1989  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Part single/part two-storey side extension and single- storey front extension.**

**Case Officer:**

**Site Address:** 8 The Drive Edgware  
**Application Number:** W03646A  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 13/06/1973  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **alterations and two-storey side extension to provide store room and laundry with bedroom over**

**Case Officer:**

**Site Address:** 8 The Drive Edgware  
**Application Number:** W03646  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 20/09/1972  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **two-storey side extension**  
**Case Officer:**

Consultations and Views Expressed:

Neighbours Consulted: 7      Replies: 0  
Neighbours Wishing To Speak 0

## 2. PLANNING APPRAISAL

### Site Description and Surroundings:

The application site is a semi-detached single family dwellinghouse located on the eastern side of The Drive. The application site is attached to No. 6 and is not located in a conservation area.

### Dimensions:

The applicant seeks planning permission for the construction of a single storey side extension with a maximum width of between 4.2 and 7.0 metres, depth of 10.0 metres and height of 3.2 metres.

### 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 adopted 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 Residential Design Guidance advises that extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

The applicant has made a previous application for an extension of the same size and design under planning application (H/02181/14). In the refused application the floor plans showed that this extension was to be used as an exercise room, cinema and shower. The application was refused as the size, bulk and design of the extension

would fail to represent a subordinate addition and would have a detrimental impact on the character and appearance of the host property and local area. Following refusal of the application, the case officer was contacted by the applicant who stated that the side extension was not be used as a game room and cinema, but instead as residential accommodation for an elderly relative with mobility requirements and a carer. A medical letter has been submitted as part of this application to support the necessity for space. In addition to this, the applicant has submitted the required dimensions for sufficient manoeuvrability from a housing grant application, which provides an indication of the required floor space.

The Council ensures that the needs of people with all types of mobility difficulties, both physical and sensory, are taken into account when considering the design of development proposals and extensions to buildings. However, the provision of this accommodation needs to be assessed in relation to the impact of the proposal on the character of the area and residential amenities, as well as the appropriateness of such residential accommodation in this location.

There is a large ground floor side extension at No. 10. However, this application was approved in 1983 before the publication of the most recent Residential Design Guidance and is considered to represent an isolated example of development uncharacteristic of the nature of extensions to properties in The Drive.

The case officer has discussed the application with the applicant's agent and has stated that the principle of extensions to the property would be acceptable subject to reductions in scale. Reducing the scale of extensions and siting part of the extension on the rear of the property would still achieve the minimum required space for wheelchair manoeuvrability.

The application property is located on a prominent corner plot and the proposed side extension fails to comply with Barnet's Residential Design Guidance as it exceeds half the width of the existing dwelling house. The proposed extension is therefore not considered to represent a subordinate addition to the property. In addition to this, the proposed extension is considered to have an unbalancing effect on the pair of semi-detached houses and disrupt the building line of the adjacent road, The Rise.

Based on the above considerations, the proposal would have a detrimental impact on the character and appearance of the property and local area contrary to Policy DM01 (Protecting Barnet's character and amenity) of the Barnet Development Management Plan DPD, Policy CS5 (Protecting and enhancing Barnet's character to create high quality spaces) of the adopted Barnet Core Strategy, and Barnet's Residential Design Guidance SPD 2013.

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

No objections received.

#### **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.”

The likely equalities impacts of the development are as follows:

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

The proposals would provide ground floor living for a person with a disability. However, this requirement of additional accommodation has to be assessed against the detrimental impact the extension will have on the character of the local area and the suitability of such accommodation in this location. In this instance it is considered that the required space could be achieved through smaller extensions to the property.

## **5. CONCLUSION**

The proposed side extension by virtue of its scale and siting would fail to remain subordinate in scale to the original form of the property and would have a detrimental impact on the character and appearance of the property and local area contrary to Policy DM01 (Protecting Barnet's character and amenity) of the Barnet Development Management Plan DPD, Policy CS5 (Protecting and enhancing Barnet's character to create high quality spaces) of the adopted Barnet Core Strategy, and Barnet's Residential Design Guidance SPD 2013.

The applicant has submitted supporting information to demonstrate that the proposed extension is required to provide space for wheelchair manoeuvrability. Based on the information provided, it is considered that sufficient space for wheelchair manoeuvrability could be achieved through smaller extensions to the property.

## **CONDITIONS IN EVENT OF APPEAL**

1) The development hereby permitted shall be carried out in accordance with the following approved plans: CB-00080; CB-00081; CB-00082; CB-00083 (Amended 06/08/2014); CB-00084; CB-00085; CB-00086; CB-00087 (Amended 06/08/2014).

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) The 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 in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

5) 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 in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).



**SITE LOCATION PLAN: 8 The Drive, Edgware, Middx, HA8 8PR**

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