

LOCATION: Ground Floor Flat, 69 Park Hall Road, London, N2 9PY
REFERENCE: F/03911/14 **Received:** 21 July 2014
Accepted: 21 July 2014
WARD(S): East Finchley **Expiry:** 15 September 2014

Final Revisions:

APPLICANT: Mr Frost

PROPOSAL: Ground floor part side part rear extension.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

(PL)01 location plan; (PL)02 Block Plan; 1302_(PL)03 Existing plans; 1302_(PL)04 Proposed Plans; (PL)05 Existing and proposed elevations

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 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Adopted Barnet Development Management Policies DPD (2012).

- 6 The amenity space at the rear of the ground floor flat, as indicated on the plans hereby approved, is to be maintained in a usable and practical form.

Reason:

To safeguard the amenities of the residents of the ground floor flat 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).

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.

Supplementary Planning Documents and Guidance

- Residential Design Guidance SPD (April 2013)
- Sustainable Design and Construction SPD (April 2013)

The Residential Design Guidance states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

In respect to amenity, extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Relevant Planning History:

Site Address: 69 Park Hall Road LONDON N2
Application Number: C09828
Application Type: Full Application
Decision: Refuse
Decision Date: 16/03/1988
Appeal Decision: Appeal Allowed
Appeal Decision Date:
Proposal: Conversion into three self-contained flats with two parking spaces at the rear

Site Address: Ground Floor Flat, 69 Park Hall Road, London, N2 9PY
Application Number: F/01160/14
Application Type: Householder
Decision: Withdrawn
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Single storey side and rear extension to existing ground floor self-contained unit.
Case Officer: Kate denTeuling

Consultations and Views Expressed:

Neighbours Consulted: 12 Replies: 3
Neighbours Wishing To Speak YES
Three objections were received.

The application was requested to be determined at sub-committee by Cllr Arjun Kumar Mittra.

The objections raised may be summarised as follows:

- Amenity Space – calculations and usability issues
- Application documentation issues
- Inconsistencies in the elevations and general arrangements
- Enclosure, outlook, lack of privacy and open aspect considerations
- Design and visual impact
- Conversion policy considerations
- Maintenance, drainage, access and security issues
- Impact on the character of the neighbourhood
- Differences from the withdrawn application
- Loss of garden space
- Levels of the land, the development will be higher than the drawing suggests
- The fence between no. 69 and 71 is the responsibility of no.71 and concern is raised that damage will be caused during construction and thereafter. Maintenance of the fence would also be a concern
- Proximity of the development to the boundary with no. 71. Concern regarding destabilising effect from foundations, onto no71's side of the fence
- The original planning consent in 1988 included a condition relating to the provision of two parking spaces
- Loss of parking on the site would not be desirable with the CPZ in operation in the street, and there is considerable pressure on parking in this area
- Negative impact to biodiversity on the site

- Exacerbated sound travel and disturbance from the roof space adjoining the internal walls of the upper flat.
- The property is a converted house with flats on leasehold ownership, and there are legal obligations to maintain the house on a common basis. The development may complicate the legal ownership between the units.
- Drainage for the units. Currently located outside the ground floor kitchen wall and includes a man-hole in the rear corner of the building.
- The removal of the communal area at the side of the house. A direct access to the rear garden should be retained. The passage is a common area for the use of the three flats for all three flats for gas metres and storage.
- The proposal will half close the gap between the site and no. 71. The extension at the rear creates a haphazard visual impression that has a negative impact on community cohesion. The scale of the development fails to respect the proportions of the original house or its character and is visually overbearing.
- The application is made in the context of rapid house price inflation and demographic trends that put intense pressure on living space in the neighbourhood.
- Concerns that non-resident freeholders who are not directly affected by the development, gain an added value in the property
- The continued over development in N2 is bringing about parking problems with skips, builders vans and lorries in the area and the service road between Park Hall Road and Summerlee Avenue. We have had access to our garages and rear of our houses blocked for months since January only recently clearing. Fly tipping has been a continued nuisance.

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is an end of terrace building containing three self-contained units. The site is located in the East Finchley ward.

The site does not fall within a conservation area and it is not a listed building.

Proposal:

The application seeks consent for a ground floor part side part rear extension.

The side extension is proposed to be constructed in an 'z' shape which wraps around the ground floor. The extension to the ground floor kitchen is proposed to be 3.3m deep and 3.5m wide. The side extension to the office and bedroom is proposed to be 1.1m deep and 4.6m wide, and the rear extension for the formation of the new bedroom is proposed to be 2.7m deep and 4.4m wide.

The extension to the kitchen is proposed to be constructed to the boundary with no. 71 Park Hall Road, and the proposed extension to the rear is designed to align with the height and depth of the adjoining neighbour's rear extensions at no. 67.

Previous planning application C09828 (which was approved at appeal in 1988)

included a condition relating to the provision of two (2) parking spaces at the site. Amended plans were submitted to retain the existing single off street parking space at the rear of the property. The amended plans are the subject of this report.

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. It 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 rear and side ground floor extension will not give rise to any demonstrable loss to amenity to the occupants/ users in the neighbouring properties either above the site or to the site, by way of loss of light or loss of outlook, and is therefore acceptable on these grounds.

The subject site will have access to a suitable amenity space in size and shape that is usable and practical, measuring 8.6m long by 2.5-2.7m wide, providing 25.1sqm in area. This amenity space is consistent with council's policies. It is also subject to a condition, requiring that the space remain open and in a usable form for the enjoyment of future residents.

The proposals would comply with the aforementioned policies and Council Design Guidance on Extensions to Houses and would be a proportionate addition to the dwelling. It would have an acceptable impact on the character and appearance of the streetscene, site property, general locality and the residential amenity of neighbouring occupiers.

3. COMMENTS ON GROUNDS OF OBJECTIONS

1. Amenity Space – calculations and usability issues

The proposed development is an extension to an existing flat and retains suitable amenity space for the existing residents. The development includes 25sqm of amenity area at the rear of the site. Whilst this application is not for a new unit, the quantity of space is consistent with Table 2.3 in Councils Sustainable Design and Construction SPD 2013. The dimension of the space is considered to be practical for a courtyard, and allows for amenity items such as an outdoor table and chairs.

2. Application documentation issues

The documentation submitted with the application is considered to be sufficient for the purpose of the assessment.

3. Inconsistencies in the elevations and general arrangements

The proposed development is considered against the plans that are submitted and a site visit. Should the drawings be inaccurate, or require alteration as a result of survey levels, a variation to the consent would require consideration and assessment.

4. Enclosure, outlook, lack of privacy and open aspect considerations

The proposed development includes a fixed roof light over the kitchen/family room.

It is considered that the proposed layout of the extensions will not detrimentally impact the amenity of residents, who live in the upper floor units in the building. It is considered that the residential amenity to occupants above, to the side, and to the rear of the site will not be adversely impacted by an undue sense of enclosure, loss of outlook, lack of privacy and loss of open aspect.

It is considered that the scope of the proposed development is not dissimilar in scale, design and layout, to that which is commonly considered acceptable and expected in a dense urban area, such as East Finchley.

5. Design and visual impact

The proposed development is considered acceptable with regards to design and visual impact.

6. Conversion policy considerations

The proposed development does not involve the conversion of the unit.

7. Maintenance, drainage, access and security issues

With regard to maintenance and drainage, these are not matters of consideration for planning permission. These matters are addressed by Building Control.

The detail provided on the submitted plans is considered to be satisfactory for the assessment of the planning application.

In this residential site, maintaining access down the full length of the site is not considered to be a material planning issue, as the side projection does not result in adverse impacts on the character and amenity of the neighbourhood.

The applicant advised in writing that the other residents of no. 69 Park Hall Road do have right of access to the side passage of the building for bin storage and meter access. This portion of the side passage is directly accessed from Park Hall Road and is not impacted by the proposed development. In addition, it is advised that the lease requires the right of the freeholder to have access to the back of the building via the laneway that runs along the very bottom of the garden, and this right of access will also be unaffected by the proposed extension.

In terms of matters that are within lease agreements at the site, they are civil matters and not matters of consideration.

8. Impact on the character of the neighbourhood

The developments width, height, design, siting and material choice are considered to be acceptable, are not inconsistent with councils policy DM01 within Development Management Policies DPD 2012 and will not result in adverse impacts on the character of the neighbourhood.

9. Differences from the withdrawn application

The proposed development is consistent with the previous application (F/01160/14). Following review of the intention of council's policies, the scheme was considered acceptable, and did not warrant refusal based on the grounds of lack of amenity space.

10. Levels of the land, the development will be higher than the drawing suggests

The proposed development is considered against the plans that are submitted and a site visit. Should the drawings be inaccurate, or require alteration as a result of survey levels, a variation to the consent would require consideration and assessment.

11. The fence between no. 69 and 71 is the responsibility of no.71 and concern is raised that damage will be caused during construction and thereafter. Maintenance of the fence would also be a concern

Fences, their maintenance and damage to property is a civil matter between the owners of the site.

12. Proximity of the development to the boundary with no. 71. Concern regarding destabilising effect from foundations, onto no.71's side of the

fence

The construction and foundations of the development is a matter of consideration for Building Control.

13. The original planning consent in 1988 included a condition relating to the provision of two parking spaces

Amended plans were submitted to retain the existing parking at the rear of the property.

14. Loss of parking on the site would not be desirable with the CPZ in operation in the street, and there is considerable pressure on parking in this area

The development retains parking.

15. Negative impact to biodiversity on the site

It is considered unlikely that the proposed development will adversely impact the biodiversity on the site.

16. Exacerbated sound travel and disturbance from the roof space adjoining the internal walls of the upper flat.

The proposed development is not inconsistent with other residential extensions that are common in the municipality. It is considered that the scope of works will not result in detrimental sound and disturbance impacts to nearby residential occupants.

17. The property is a converted house with flats on leasehold ownership, and there are legal obligations to maintain the house on a common basis. The development may complicate the legal ownership between the units.

With regard to varying legal obligations and complications relating to leasehold and maintenance matters at the site, are matters which are civil and between owners, and are not planning matters of consideration.

18. The application is made in the context of rapid house price inflation and demographic trends that put intense pressure on living space in the neighbourhood.

House price inflation is not a planning material consideration.

19. Concerns that non-resident freeholders who are not directly affected by the development, gain an added value in the property

This is not a planning material consideration.

20. The continued over development in N2 is bringing about parking problems with skips, builders vans and lorries in the area and the service road between Park Hall Road and Summerlee Avenue. We have had access to our garages and rear of our houses blocked for months since January only recently clearing. Fly tipping has been a continued nuisance.

This is not a planning material consideration.

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 Local Plan policies and guidance 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 therefore recommended for **APPROVAL**.

SITE LOCATION PLAN:

Ground Floor Flat, 69 Park Hall Road, London,

N2 9PY

REFERENCE:

F/03911/14



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2013. All rights reserved. Ordnance Survey Licence number LA100017674.