

Location **71 Vivian Avenue London NW4 3XE**

Reference: **15/00299/HSE** Received: 19th January 2015
Accepted: 19th January 2015

Ward: West Hendon Expiry 16th March 2015

Applicant: Mr Yossi Shachar

Proposal: Part single, part two storey rear extension. First floor side extension

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: ELA/1 Rev A; ELA/2 Rev A; ELA/13 Rev A; 71VA-PP1-01.

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 CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 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 Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 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 Development Management Policies DPD (adopted September 2012).

- 5 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 or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevation(s), of the extension(s) hereby approved, facing No. 69 & No. 73 Vivian Avenue.

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

- 6 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing No. 69 & No. 73 Vivian Avenue shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

The site property is a two storey detached single family dwellinghouse located on Vivian Avenue, close to its junction with Sevington Road. Vivian Avenue is a residential street with a varied and mixed typography of housing; it lies within the West Hendon ward of the South area.

The property is not listed and does not fall within a designated conservation area.

2. Site History

Reference: 14/07337/PNH

Address: 71 Vivian Avenue, London, NW4 3XE

Decision: Withdrawn

Decision Date: 4 December 2014

Description: Single storey rear extension with a proposed depth of 5.45 metres from original rear wall and flat roof with a maximum height of 4 metres

Reference: 14/07466/PNH

Address: 71 Vivian Avenue, London, NW4 3XE

Decision: Prior Approval Required and Refused

Decision Date: 23 December 2014

Description: Single storey rear extension with a proposed depth of 7.450 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: H/05132/14

Address: 71 Vivian Avenue, London, NW4 3XE

Decision: Prior Approval Required and Refused

Decision Date: 22 October 2014

Description: Single storey rear extension with a proposed depth of 8.0 metres from original rear wall, eaves height of 3.850 metres and maximum height of 4.0 metres.

Reference: H/05785/14

Address: 71 Vivian Avenue, London, NW4 3XE

Decision: Withdrawn

Decision Date: 17 November 2014

Description: Single storey rear extension with a proposed depth of 8.0 metres from original rear wall, eaves height of 2.55 metres and maximum height of 2.7 metres.

3. Proposal

The application seeks permission for a part single part two storey rear extension and a first floor side extension.

The first floor side extension would be set back 1.1 metres from the front building line and would have a width of 2.2 metres with a depth of 8 metres; the roof would be set down from the main ridge height.

The ground floor rear element would be designed as an 'extended bay' with a depth of 4 metres facing No. 69 Vivian Ave and a depth of 2.7 metres facing No. 73 Vivian Ave.

The first floor rear element would have a depth of 2.5 metres facing No. 73 Vivian Ave and depth of 3.95 metres facing No. 69 Vivian Ave; it would have a distance of 2 metres from the boundary shared with No. 73 Vivian Ave and distance of 3 metres from the boundary shared with No. 69 Vivian Ave.

It should be noted that the plans were amended since the original submission and neighbouring residents were given a further opportunity to comment on the revised proposals.

4. Public Consultation

Consultation letters were sent to 20 neighbouring properties.

20 responses have been received, comprising 10 letters of objection and 10 letters of support.

The objections received can be summarised as follows:

- amendments have not changed much since the original design
- overbearing
- overlooking
- loss of light
- concerns regarding flow of traffic and parking
- concerns regarding increased occupancy
- size and mass of the extension
- concerns raised in relation to the extensions being sought in order to later convert the property into flats
- overdevelopment on Vivian Avenue
- insubordinate

The letters of support received can be summarised as follows:

- points raised that the property is in a bad condition and both the streetscene and building will benefit from the proposals

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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 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'. The NPPF retains a 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 2015

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 and is recognised in the NPPF as part of the development plan.

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.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

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 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 make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD 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.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. 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.
- In respect of amenity, states that 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.

Sustainable Design and Construction SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

The Council's approach to extensions as set out in Development Management 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.

Policy CS5 of the Core Strategy states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'.

The Council's adopted SPD 'Residential Design Guidance' (2013) states that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant; 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.

Para 14.13 of the SPD states that where there is a consistent and coherent architectural character, the extension should not detract from it. Any extension should sit comfortably with the main building and with neighbouring houses.

There are no concerns in regards to the first floor side extension as it results in a proportionate addition to the property whilst maintaining an adequate perception of separation between the host property and the neighbouring property at No. 69 Vivian Ave.

The ground floor rear extension, albeit an unusual design in the form of an 'extended bay', is not deemed to have a detrimental impact on the visual or residential amenities of the neighbouring occupiers given that No. 69 Vivian Ave already benefits from a rearward extension and there is a distance between the host property and the rear facing windows at No. 73 Vivian Ave.

The first floor rear extension, as amended, is also considered to be acceptable and would not result in an overbearing impact to neighbouring occupiers. The extension is sited a considerable distance away from No. 69 Vivian Ave and has a very limited depth facing No. 73 Vivian Ave. It should also be noted that the first floor rear facing windows at No. 73 are set in some distance away from the host property and this therefore ensures minimal impact in regards to loss of light.

Conditions are recommended that all proposed side facing windows in the extensions be obscure glazed; the applicant cannot install any further windows to either side elevation without prior written consent from the LPA; the flat roof of the extension cannot be used as a balcony or amenity space; this is order to further protect the amenities of the neighbouring occupiers in particular regards to overlooking, loss of light and loss of privacy.

The extensions are considered to be subordinate additions to the property. They have been sympathetically designed and roofs of all extensions have been lowered in height to fit neatly below the main ridge whilst the first floor has been set back from the front building line as per Council guidance.

5.4 Response to Public Consultation

- Concerns in regards to amenity dealt with in report above.
- The proposal is not deemed to affect the traffic flow on Vivian Avenue.
- There is no evidence to suggest that the proposal would result in an increased occupancy of the property.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



