

Location **15 Wentworth Close London N3 1YP**

Reference: **15/01085/HSE** Received: 20th February 2015
Accepted: 27th February 2015

Ward: West Finchley Expiry 24th April 2015

Applicant: Mrs Meera Doshi

Proposal: Part single part two storey side and rear extension following demolition of existing garage. Extension to roof including hip to gable, rear dormer and 2no. front rooflights to facilitate a loft conversion (Retrospective Application)

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. 15001; Design and Access Statement; Attachment 1- Summary of Events; Drawing no. 15002 Rev.02 (date received 20April 2015);

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 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 elevations facing no.14 and no.16 Wentworth Close.

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).

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. 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 application site is a two storey semi-detached dwelling located on the northern side of the cul-de-sac known as Wentworth Close within the West Finchley ward. The property is not listed nor does it lie in a Conservation Area, and the area is predominantly residential in character.

The site slopes from the front to the rear and the property requires access steps on to the rear garden.

2. Site History

Reference: F/04057/14

Address: 15 Wentworth Close, London, N3 1YP

Decision: Lawful

Decision Date: 30 July 2014

Description: Proposed rear dormer to facilitate hip to gable loft conversion with 2 no. roof lights.

Reference: F/03396/13

Address: 15 Wentworth Close, London, N3 1YP

Decision: Approved subject to conditions

Decision Date: 26 September 2013

Description: Two storey rear and side extension following demolition of existing garage.

Reference: F/03397/13

Address: 15 Wentworth Close, London, N3 1YP

Decision: Prior Approval Not Required

Decision Date: 27 August 2013

Description: Single storey rear extension with a proposed depth of 4 metres, eaves height of 2.9 metres and 1no. roof-lantern.

3. Proposal

The applicant seeks retrospective planning permission for the several extensions that have been carried out simultaneously. The extensions include:

- two storey side and rear extension which has been built in accordance with the approved plans (F/03396/13) in terms of its depth and mass and bulk.
- roof extension involving hip to gable, rear dormer and front rooflights to facilitate a loft conversion as per the certificate of lawfulness approved under reference F/04057/14.

At the time of the site visit, the single storey infill extension had not been built. As such the LPA sought amendments to reduce the depth of the extension to 3 metres with a height to match that of the approved extension.

4. Public Consultation

Consultation letters were sent to 9 neighbouring properties.

9 responses have been received, comprising 9 letters of objection, 0 letters of support or comments

The objections received can be summarised as follows:

- Roof eaves of two storey extension cross on to boundary.
- Out-of-character & over bearing development, towering over adjacent properties
- Loss of light & outlook
- Loss of privacy
- Concern with patio being built in future.
- The individually approved plans, were based on relationship to original footprint and not development as it was intended to be done.
- Question timing of the building works being started/ completed as mentioned in supporting evidence provided by the applicant.
- No.12 was refused planning permission (and the appeal dismissed) for the harmful effects on the neighbouring occupiers.
- Precedent for other development to follow.
- Over-crowded close with little parking for residents
- Overlooking particularly to properties on Wentworth Avenue which are sited at a lower level.
- Plan included in the party wall was not the approved plan
- Disagree with the previous assessment of the two storey extension, with building considered overbearing.

Councillor Houston has requested that the application is presented before the planning committee for determination.

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 property was granted a certificate of lawfulness for the roof extension, and planning permission for the two storey side and rear extension in 2013.

Furthermore, the applicant applied for prior approval under the permitted development for larger home extensions for a depth of 4 metres to infill between the boundary at no.16. As no objections were received, the proposal was not deemed to require prior notification and subject to the compliance with the criteria within the permitted development legislation, it could be built. However, as the extension indicated the connection with a non-original side/rear addition, the projection at 4 metres would have been unlawful had it connected to the two storey side/ rear extension. This single storey extension was built, however the Planning Enforcement team requested that this was removed as it failed to comply with the requirements of permitted development due to its connection to the two storey extension. As mentioned above, at the time of officer site visit it was noted that, this element had not been built.

The assessment below will consider the impact of what has been constructed first and secondly the impact of the single storey rear extension which when connected to the two storey extension would not benefit from permitted development rights.

Firstly, with regards to the two storey side and rear extension and roof extension, as these extensions were built at the same time under one development, the roof extension when assessed against the criteria of the General Permitted Development Order would be regarded as Unlawful. However when assessing proposals against the Local Development Framework, the LPA considers that a pragmatic approach is required. Whilst the roof extension is unlawful by virtue of the timings in the construction, it is considered that had the roof extension been built first followed by the approved two storey side and rear extension, the final bulk of the building would have been the same as what has been built. If the two storey extension is removed, the roof extension as built, would be lawful, and the applicant would then be able to implement the two storey side and rear extension as approved under reference F/03396/13. The bulk and massing of the two storey side and rear extension have previously been considered acceptable by virtue of to the siting away from the boundary and its depth. As such, it is not considered that the two storey side and rear extension and the roof extension should be recommended for refusal.

With regards to the single storey rear extension, it is considered that the projection at 4 metres originally submitted would be detrimental to the amenities of the neighbouring occupiers at no. 16 Wentworth Close. During the course of the current application, officers requested that the extension was reduced to a depth of 3 metres. It is considered that although this would result to some loss of light to the neighbouring occupier, this extension would be considered lawful if the proposed single storey rear extension does not connect to the non-original side extension. Furthermore, as prior approval was not considered to be required, the applicant is able to implement an extension with a depth of 4 metres, if this is not connected to the extension at the side. When the fall-back permitted development position is considered, the extension is considered to be acceptable and recommended for approval with a depth of 3 metres.

The objectors have mentioned that a similar application for a two storey side extension was refused by the planning committee and subsequently dismissed at appeal (F/01664/14) at no.12. It must be noted that whilst this is a material consideration in the determination of the application, the two storey side/rear extension at the host property is extant.

When all matters have been considered, the extensions as built and the single storey rear extension at 3m on the boundary is acceptable and recommended for approval.

5.4 Response to Public Consultation

With regards to the comments regarding the encroachment on to the boundary of the neighbouring property of the eaves only, it must be noted that there is no deemed loss of amenity by the proposal or increased loss of amenity. Notwithstanding the above, boundary disputes are civil matters and do not fall under planning legislation.

The objection regarding concern over the possible construction of a patio in the future is not a material consideration in the determination of this application. The LPA can only assess the development as presented as part of this application, and cannot speculate on any future proposals.

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.

