

Location **29 Holly Park Gardens London N3 3NG**

Reference: **15/04406/HSE** Received: 14th July 2015
Accepted: 14th July 2015

Ward: Finchley Church End Expiry 8th September 2015

Applicant: Mr Vasil Evdokimov

Proposal: Single storey rear extension. New basement level. New raised platform and associated stairs and balustrades to rear garden patio. (Amended Description).

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan; AR-1, AR-3; AR-5; F160-A-100 RevG; F160-A-101 RevG; F160-A-102 RevB; F160-A-200 RevH; F160-A-300 RevG.

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 elevation(s), of the extension(s) hereby approved, facing 27 or 31 Holly Park Gardens.

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).

- 5 Other than the existing balcony shown on the approved plans, 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).

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 subject development site contains a two storey semi-detached single family dwellinghouse positioned on the western side of Holly Park Gardens in the ward of Finchley Church End.

The land at the subject site and no. 27 Holly Park Gardens falls towards the rear.

The subject site is not in a conservation area and is not a listed building.

2. Site History

Reference: F/02569/14

Address: 29 Holly Park Gardens, London, N3 3NG

Decision: Withdrawn

Decision Date: 22 July 2014

Description: Single storey rear extension following demolition of existing rear projection, including provision of balcony to first floor level. New basement level including provision of balcony to ground floor level and new steps to rear patio.

Reference: F/05034/14

Address: 29 Holly Park Gardens, London, N3 3NG

Decision: Refused and dismissed on appeal

Decision Date: 6 November 2014

Description: Single storey rear extension following demolition of existing rear projection, including provision of balcony to first floor level. New basement level including provision of balcony to ground floor level and new steps to rear patio.,

3. Proposal

The extension would be between 3.4m (adjacent to 27) and 4.3m (nearest to 31) deep , 7.1m wide and a maximum of 4.7m high with a part flat/ part sloping roof. A small section of parapet wall would be up to 5m in height. A spiral staircase is proposed from the ground floor to the patio level.

4. Public Consultation

Consultation letters were sent to 4 neighbouring properties.

21 responses have been received, comprising 21 letters of objection, 0 letters of support and 0 letters of comment.

The objections received can be summarised as follows:

- Plans are identical to previous refusals. Trying to wear down neighbours by constant applications.
- Overdevelopment.
- Set an unwanted precedent.
- Extension is disproportionate.
- Damage quality of street.
- Basement undermines neighbouring properties.
- Overbearing.

- Disrupts character of the street.
- Discrepancies between the plans.
- Materials are not in keeping.
- No changes to appeal decision.

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 2050. 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

Policy CS5 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'. Policy DM01 requires that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. 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.

Furthermore, the Residential Design Guidance SPD advises that the design and layout of new development should be informed by the local pattern of development. The continuity of building lines, forecourt depths, road layout, space about the building and rear garden areas are all likely to be significant factors when redeveloping sites within existing residential areas.

Character and appearance

In regards to the previous appeal, the inspector noted that the height and depth of the proposed extension would dominate the rear elevation of the host building. The external rear staircase to the ground floor level would add to the dominance of the structure and the scale and form of the extension would fail to respect the proportions or design of the host dwelling. Furthermore, the existing fenestration at No 29 has a vertical emphasis and the proposed extension would have windows with a horizontal emphasis at both the ground and lower ground levels. This would fail to respect the design details of the host dwelling. The Inspector found that the extension would harm the character and appearance of the host property and the immediate area.

The current proposal has been reduced in depth by 1m at lower ground and ground floor level and a slight pitch has been incorporated on the roof and the eaves level reduced to reduce the overall bulk of the extension. The extension will in part have a flat roof which will enable the existing balcony above to be retained. In addition, a spiral staircase has been incorporated to reduce the dominance of this feature.

By reason of the reduced depth and reduced height and incorporation of a pitched roof it is considered that the previous concerns pertaining to the overall dominance of the proposed extension have been addressed. The proposed extension will appear as a subordinate addition to the host dwelling.

Living conditions of neighbouring occupiers

The inspector noted in the appeal decision that in relation to sunlight/daylight the extension would be to the north of No 27. As such, it would not result in overshadowing or loss of light to the rear of No 27. It was noted that No 27 has a ground floor projection but this is of minimal depth and the extension would not, to my mind, result in an undue sense of enclosure between the two properties.

In the previous appeal decision the inspector noted that the flank wall of the extension, on the boundary with No 27, would be about 4360mm high and extend about 3195mm deeper than the existing ground floor projection at No 27. This would be a significant visual intrusion and an oppressive structure, being almost a metre higher than the existing high fence, adjacent to the rear ground floor view from No 27. The Inspector considered that this would be overbearing and harm the outlook of the occupiers of No 27.

Since the dismissed appeal the proposal has been reduced in both depth and height, as described above and as such will mitigate the previous concerns raised. The extension will measure 3.43m from the rear building line of the neighbouring property no.27 and as such will comply with the council's adopted residential design guidance which states that rear extensions on properties can extend up to 3.5m, whilst it is noted that this generally applies to single storey rear extensions, given that the extension is lower and ground floor, it is considered that the same principles apply.

5.4 Response to Public Consultation

All planning related matters are considered to be covered in the above appraisal.

It should be noted that the application has been further amended since the initial submission.

The LPA can not control if an applicant wishes to amend and re-submit an application and can not prevent new applications being submitted.

The proposal is considered to be in accordance with the council's adopted guidance.

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.

