

**Location**                      **375 Nether Street London N3 1JN**

**Reference:**                      **15/02917/HSE**

Received: 12th May 2015

Accepted: 3rd June 2015

Ward:                              West Finchley

Expiry 29th July 2015

Applicant:                      Mr & Mrs UCHE EKWUNIFE

Proposal:                      Single storey rear extension including 2no. rooflights following demolition of the existing single storey rear bay window. First floor side extension above garage including 2no. rooflights

**Recommendation:** Approve subject to conditions

- 1        The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, A-001 PI, A-003 PI, A-004 PI, A-005 PI, A-006 PI, A-007 PI REV D, A-009 PI REV C, A-010 PI REV E, A-011 PI REV C and A-012 PI REV C.

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        Before the extensions hereby permitted are occupied the proposed Juliet balcony shown on the approved plans shall be installed and shall be permanently retained as such.

Reason: To safeguard the privacy of neighbouring occupiers.

**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.
- 2 The applicant is advised that the first floor balcony is subject to an enforcement notice (C00393C/06/ENF).

## Officer's Assessment

### 1. Site Description

The site property is a detached single family dwellinghouse at the eastern side of Nether Street. It is part of a residential street with a varied character where a number of properties have had alterations.

The property is not listed and does not lie within a Conservation Area.

### 2. Site History

Reference: 14/07807/HSE

Address: 375 Nether Street, London, N3 1JN

Decision: Refused

Decision Date: 11 February 2015

Description: Part single, part two storey rear extension including terraces at first floor level. First floor side extension. New front porch and steps. Roof extension involving 3 no. rear dormer window to facilitate a loft conversion

Reasons for refusal:

1 The proposed two rear roof terraces would result in the direct overlooking of the neighbouring properties at No. 373 & 377 Nether Street and their gardens, thereby resulting in a loss of privacy which is considered to be detrimental to the residential amenities of the occupiers of those properties, contrary to Policies DM01 of the Barnet Local Plan Development Management Policies (2012) and the SPD 'Residential Design Guidance' (2013).

2 The proposed roof extension by reason of its bulk, design, size and siting would be overbearing, visually obtrusive and detrimental to the character and appearance of the existing house of which it forms part as well as detracting from this part of Nether Street contrary to policies CS NPPF, CS1 and CS5 of the Barnet Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies (2012) and the Adopted Residential Design Guidance SPD (2013).

3 The proposed two storey rear extension by reason of its design and siting would be visually obtrusive and detrimental to the character and appearance of the existing house of which it forms part as well as detracting from this part of Nether Street contrary to policies CS NPPF, CS1 and CS5 of the Barnet Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2013).

4 The proposed two storey side extension by reason of its design and siting would be visually obtrusive and detrimental to the character and appearance of the existing house of which it forms part as well as detracting from this part of Nether Street contrary to policies CS NPPF, CS1 and CS5 of the Barnet Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2013).

Reference: C00393C/06/ENF

Address: 375 Nether Street, London, N3 1JN

Decision: Application Received  
Decision Date: No Decision Made.  
Description: Extension, doors and fencing at first floor level

Reference: C00393D/07  
Address: 375 Nether Street, London, N3 1JN  
Decision: Refused  
Decision Date: 9 January 2008  
Description: Retention of screen to the first floor rear terrace.

### 3. Proposal

The application seeks permission for a Single storey rear extension, with variable length and formed in an 'L' shape. It would follow demolition of the existing single storey rear bay window. First floor side extension above garage including 2no. rooflights

Plans originally proposed roof extension including a rear dormer window and 3no. rooflights to the front roofslope to facilitate a loft conversion.

Amended plans have been received which have removed the roof extension and reduced the siting, size and bulk of the proposed ground floor rear extension and first floor side extension. The proposed rear extension would be and 9.8 metres wide, 3.625 metres deep on the East side and 1.8 metres deep on the West side. It would have eaves height of 3.6 metres and a maximum height of 3.8 metres. The single storey extension would have flat roof and a Juliette balcony would be installed in front of the French doors located above the flat roof. To the side, the addition of a first floor above the existing garage is proposed. It would be 8.1 metres deep and 2.5 metres wide. It would include a setback of 1 metre at the front and 1.3 metre at the rear. A gap of 1 metre would be maintained between the host property and No. 377 Nether Street.

### 4. Planning Considerations

#### 4.1 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 March 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.

## 4.2 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.

## 4.3 Assessment of proposals

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.

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'.

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.

Para 14.20 precises that side extensions should ensure that the visual and residential amenities of neighbouring properties are not significantly affected.

- Single storey rear extension:

The Barnet Residential Design Guidance SPD states that an appropriate depth for a single storey rear extension to a detached dwellinghouse is 4 metres. It has been noted that No. 375 already benefits from a 2 metres single storey rear extension. The proposal would increase this overall depth to 5.5 metres. Although the proposal would extend over Barnet's policies, there are material considerations in this instance which render this aspect acceptable. Principally that No. 373 benefits from a 4.5 metres single storey rear extension running close to the boundary. The proposed extension would extend 1 metre along the boundary with No. 373. Bearing this in mind, the proposed single storey element is unlikely to affect the amenity of neighbouring occupiers and is therefore considered acceptable.

- First floor side extension:

Barnet's Residential Design Guidance states that in order to reduce the visual impact of two storey or first floor side extensions, there should normally be a minimum gap of 2 metres between the flank walls of properties at first floor level.

In this instance, the first floor side extension would only be set back 1 metre between the neighbouring property and the extension at first floor level. However, it is common feature to witness 1 metre gap between properties on this part of the street. Therefore, it is considered that 1 metre gap is sufficient and reflects the character of the area. It is considered that the neighbouring property No. 377 Nether Street benefits from a window located at first floor level close to the boundary; however the proposed setback and pitched roof of the extension would mitigate any detrimental impact in regard to loss of light or overbearing.

The extension by reason of its design, siting and limited size is not considered to adversely impact the visual or residential amenities of neighbouring occupiers or the character and appearance of the area.

Conditions are attached to restrict access to the roof of the single storey extension and the proposals would replace the existing French doors with a Juliet balcony.

## 5. Public Consultation

Consultation letters were sent to 29 neighbouring properties.

6 responses have been received, comprising 6 letters of objection.

Neighbours Wishing To Speak 3

- Out of character
- Loss of light
- Foundations works impacts
- Loss of privacy
- Loss of amenity space

- Out of character

The revised plans which have removed roof extension and reduced the size and bulk of the ground floor and first floor elements are sufficient to address the concerns regarding overdevelopment and detriment to the character of the area.

- Loss of light

Neighbouring property, No. 373 Nether Street, benefits from a from a 4.5 metres single storey rear extension. The proposed extension would extend 1 metre beyond and with regards the existing gap of approximately 1 metre, the proposal is not considered to result in a significant loss of light for the adjoining property.

Neighbouring property, No. 377 Nether Street, benefits from a rear projection of approximately 2 metres deep. The proposed rear extension would not project further than the neighbour's one. Concerning the first floor side extension, the size and sitting of the proposal would not have any detrimental impact in regards to loss of light.

- Foundations works impacts

Foundations works are building control matter therefore they do not constitute a basis on which to refuse this proposal.

- Loss of privacy

There are no proposed windows to the flank wall on the East side of the property. There is one window proposed on the West side, directly facing No. 377 Nether Street, however, it would replace an existing bay window and given the gap of approximately 4.4 metres between the two properties, there will be no issue of overlooking or loss of privacy.

The site property benefits from French doors at first floor level, that could give access to the single storey extension's roof. The installation of a Juliette balcony in front of the French doors would mitigate the concerns raised in regards to overlooking or loss of privacy and would prevent the use of the proposed flat roof as a balcony.

- Loss of amenity space

The property benefits from sufficient remaining amenity space, in accordance with the SPD on Residential Design Guidance the proposed extensions are not considered to represent an overdevelopment of the site.

## 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.



