

Location **66 Rosemary Avenue London N3 2QN**

Reference: **15/06199/HSE** Received: 6th October 2015
Accepted: 12th October 2015

Ward: Finchley Church End Expiry 7th December 2015

Applicant: Mr Sadegh Jodieri

Proposal: First floor rear extension

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement; 787/RA/S1; 787/RA/10; 787/RA/11; 787/RA/12; 787/RA/13.

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 the neighbouring properties.

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 The roof of the ground floor extension and 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. 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 dwellinghouse located on Rosemary Avenue; a residential road which lies within the Finchley Church End ward of the South area.

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

2. Site History

Reference: 15/02045/192

Address: 66 Rosemary Avenue, London, N3 2QN

Decision: Lawful

Decision Date: 22 May 2015

Description: Single storey rear extension, rear dormer and 3 no. rooflights to front to facilitate hip to gable loft conversion and front porch.

Reference: 15/05075/FUL

Address: 66 Rosemary Avenue, London, N3 2QN

Decision: Withdrawn

Decision Date: 22 September 2015

Description: Part first floor rear extension and conversion into 2 no self contained flats

Reference: 15/05519/192

Address: 66 Rosemary Avenue, London, N3 2QN

Decision: Lawful

Decision Date: 29 September 2015

Description: Erection of single storey outbuilding to rear garden

3. Proposal

The application seeks consent for the construction of a first floor rear extension; it would have a depth of 3m and be sited 3.2m away from the adjoining property at No. 68 Rosemary Ave and sited approx 2m away from the flank elevation of the non-adjoining property at No. 64 Rosemary Ave.

The property already benefits from a 3.5m deep single storey rear extension.

4. Public Consultation

Consultation letters were sent to 4 neighbouring properties.

8 responses have been received, comprising 8 letters of objection

The objections received can be summarised as follows:

- overshadowing and loss of light
- increase in noise
- reference to a previous application where the applicant sought to convert the property into flats
- the extension is going to be used to convert the property into flats
- concerns raised in regards to safety of the build
- out of character

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

Para 14.13 of the Councils Residential Design Guidance 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.

The limited depth of the extension and its distance to the rear facing first floor windows at both neighbouring properties is deemed sufficient enough as to not cause a detrimental impact on neighbouring amenity in regards to loss of light or overshadowing. Furthermore, given the orientation of the property and its relationship to the non-adjoining property, the proposal is not deemed to result in the loss of enjoyment of the neighbouring garden or increase the noise and disturbance to neighbouring occupiers. In addition to this, the non-adjoining property is set slightly rearward than the host property and therefore the proposal would not extend considerably further rearward than the rear wall of this neighbouring property.

The proposal, by reason of its size, design and considerable set down from the main ridge height, is deemed to result in a subordinate addition to the property whilst respecting the original proportions of the dwelling house. In this regard, the proposal is not considered to adversely impact the character and appearance of the application site or surrounding area.

It is recommended that a condition be attached to the decision to ensure that additional first floor side facing windows cannot be inserted without the consent of the LPA and the roof of the existing ground floor extension cannot be used as a balcony or similar outdoor amenity area; this is to ensure that the amenities of both neighbouring occupiers are not compromised in regards to overlooking and loss of privacy.

5.4 Response to Public Consultation

Largely addressed in assessment above. Other matters are as follows:

- The current application does not seek to convert the property into flats. Each application must be considered on its own merits and there is no evidence in the application or on site that suggest that the property will be converted into flats. In any event conversion of property into several flat would require separate planning application.
- The safety of the building is generally dealt with under the Building Regulations

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.

