

Location **1 Newark Way London NW4 4JG**

Reference: **15/06189/HSE** Received: 6th October 2015
Accepted: 6th October 2015

Ward: Hendon Expiry 1st December 2015

Applicant: Mr M Dehabadi

Proposal: Two storey side extension

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 785/NW/01 (Existing Plans) dated Feb 2015
 - 785/NW/S1 (Location and Block Plans) dated Feb 2015
 - 785/NW/02 Rev C (Proposed Plans) dated Feb 2015
 - 785/NW/03 Rev C (Existing/Proposed Elevations) dated Feb 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 elevation, of the extension hereby approved facing nos.69, 67, 65, or 63 Greyhound Hill.

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 use of the extension hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit or dwelling.

Reason: To ensure that the development does not prejudice the character of the locality and the 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 contains a two storey semi-detached dwelling house forming a pair with No.3 Newark Way. The site is located on the East side of Newark Road, close to the junction with Greyhound Hill, NW4 4JG. The application property is not listed nor located on land designated as Article 2(3) (Conservation Area). There exist no outstanding conditions on the property which might limit development.

The dwelling is the first along the Eastern side of Newark Road, a short residential street which runs perpendicular to Greyhound Hill. The Northern side boundary of the site is thus abutting the rear boundaries of nos.61, 63, 65, 67 and 69 Greyhound Hill. Both the Southern side and rear boundary is shared with no.3 Newark Road.

Because of the curved nature of Newark Way, the front building line of the dwelling is perpendicular to the shared boundary with no.3 but not with the Northern side boundary, which is splayed towards the front. This has the effect of the front of the site being the widest point, with the narrowest point at the rear boundary. Newark road is subject to a South to North downwards gradient, meaning that the ground floor level of the application site is above that of properties along Greyhound Hill.

2. Relevant Site History

Reference: 15/04033/HSE
Address: 1 Newark Way, NW4 4JG
Decision: Decision Quashed - Pending Decision
Decision Date: 29.07.2015
Description: Two storey side extension

Reference: H/04124/14
Address: 1 Newark Way, NW4 4JG
Decision: Lawful
Decision Date: 31.10.2014
Description: Single storey side/rear extension and front porch.

Reference: H/03010/14
Address: 1 Newark Way, NW4 4JG
Decision: Lawful
Decision Date: 07.07.2014
Description: Roof extension involving rear dormer and 2no. rooflights to front to facilitate a loft conversion. Single storey rear extension.

Reference: H/02733/14
Address: 1 Newark Way, NW4 4JG
Decision: Prior Approval Required and Refused
Decision Date: 19.06.2014
Description: Single storey rear extension with a proposed depth of 5 metres from original rear wall, eaves height of 2.9 metres and maximum height of 2.9 metres.

Please Note:

Following the issuing of the certificate of lawful development H/03010/14 for works including a rear dormer window, officers were made aware of the fact that the property benefited from a two storey side extension which did not form part of the original dwelling house. The dormer window was not therefore lawful. Planning officers took the view that the dormer window did not cause significant harm to the amenities of neighbours or the appearance and character of the property and that it was not expedient to revoke the lawful development certificate.

Particularly pertinent to the determination of this application is planning application 15/04033/HSE dated 29.07.2015, which granted permission for a two storey side extension. However, this decision was revoked following a Judicial review (JR). A JR (being the process of challenging the lawfulness of a decision made by the Local Authority (LA)) did not assess the merits of the proposal but instead represented a challenge to the procedural undertakings of the LA in issuing its decision. In this instance, the council consented to the decision being quashed by the High Court on the basis the council did not take into account the objection of a neighbour when assessing the planning merits of the proposal.

Following this process, it falls to the LPA to reconsider the proposed development having rectified any defects found eg. with the completed public consultation process in order to ensure that the decision is subject to a duly considered process. In this case the applicant submitted a fresh application and it is this second application that is the subject of this report.

3. Proposal

This application proposes a two storey side extension to the property. Due to the aforementioned splayed plot, the side extension would have a front width of 3.25m but a rear width of 2.5m. At ground floor level, the side extension would extend for the full depth of the dwelling (8.8m) but at first floor level the front elevation would be set back by 1m from the adjacent front elevation meaning the depth at this level would be 7.8m. The two storey side extension would have a hipped, tiled roof with an eaves height to match the original roof of the dwelling and a ridgeline set below the adjacent ridgeline by 0.5m. At the time of the site visit for the application, works had commenced and were nearing completion.

4. Public Consultation

Consultation letters were sent to 13 neighbouring properties, 4 responses have been received comprising letters of objection from 3 residents as well as 1 letter of support. One of those letters of objection received was signed by one resident but was written on behalf of the 8 occupiers of the property and another was signed on behalf of the two residents who live at the same property.

Objections received may be summarised as follows:

- Loss of light
- Loss of outlook
- Cumulative impact of existing, 'unlawful' and proposed extensions over bearing
- Unbalancing effect upon pair of dwellings
- Out of character with the local area

- Tunnelling effect created
- Out of character with original Chalet-Style Houses
- Overbearing and over dominant design
- Decision was previously quashed due to non-conformance
- Over development of site
- Extensions are disproportionate to the original dwelling
- Applicant has been deceitful
- Concern over the indicated status of the application online
- Mal-administration - belief that the Local Authority has been deceitful in its approach
- Concerns over data protection
- Concern over the impacts of the privatisation of Council services
- Works have not been ceased following the quashing of the previous decision
- Construction works have been on-going during unsociable hours.
- Extensions do not comply with 'planning law' as well as Clauses 1.1, 1.2, 1.4, 1.5 and 1.7 of the Barnet Design Guidance DGN5.
- Obscuring glazing condition would reduce overlooking.
- Criminal damage caused during construction
- Previous LDC had been issued in error -request to revoke.
- Works have created engineering and stability issues
- Surrounding dwellings feature small garden sizes which will be impeded by the proposed development
- Cramped development
- Loss of vegetation within the site has worsened impact of development
- Request for an officer to come to site to inspect.
- Development will devalue properties.
- Number of habitable rooms created is disproportionate.
- Windows have been replaced which do not match the original.
- Proposal would reduce the 'gap' between properties, impacting character and increasing sense of enclosure.
- Access to the rear would not be retained.
- Objection to the hard surfacing of front garden for parking
- Conflict to Party Wall Agreement

Support comments received may be summarised as follows:

- Happy that neighbours are interested in improving and maintaining quality of the neighbourhood.
- Happy that building will be used as a single family dwelling.

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 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.

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 or the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

Potential impacts upon the character and appearance of the existing building, the street scene and the wider locality

The local area is characterised by single family dwelling houses, incorporating a mixture of semi-detached and detached dwellings. Overall there is strong cohesion within the design and style of dwellings in the local area which gives rise to an identifiable local character, with properties often being either single or double fronted by two storey bay projection and hipped tiled roofs. Notwithstanding this, a number of properties in the local area have been extended in various ways which have acted to increase variety to the character of the local area. Side extensions have previously been granted express permission at nos. 6, 20 and 25 Newark Way and would not be objected to in principle in this location.

The Councils Residential Design Guidance SPD 2013 advises that side extensions should be subordinate additions constructed with materials which are in keeping with the rest of the house. Side extensions should normally have a width of not more than half the width of the original house, should be set back from the front building line, should not contribute to a terracing effect and should be designed in such a way so as to minimize the visual impact to the street scene.

The proposed extension together with the existing side extension would have a width more than half the width of the original house. However, the proposed enlargement would remain a visually subordinate addition which would be clearly distinguishable as an extension to the property. Due to its width, design and roof form the overall proposed two storey extension would not appear as an incongruous feature within the street scene and nor appear out of character within the local area. The application dwelling is at the end of the row and policies relating to the preservation of characteristic 'gaps' are not applicable as the existing opening is not characteristic for the wider area. The visual prominence of the main architectural features of the dwelling (principally its bay projection and front facade) would not be detracted from due to the set back and down of the proposed massing and the proposed extension would not further unbalance the pair of dwellings. Furthermore the cascading ridgelines proposed would be sympathetic to the topographical nature of the site as well as other dwellings in the local area. Whilst it is acknowledged that the resulting dwelling would represent a departure from its original 'Chalet-Style' appearance, the dwelling as hereby proposed would not appear incongruous within the local area and would not cause significant harm to the character of the local area.

It is not considered that the proposed two storey side extension or the cumulative effect of both the proposed and existing extensions would lead to an impact upon the character and

appearance of the existing building, streetscene or local area which would substantiate a reason for refusal.

Potential impacts upon the amenities of neighbouring residents

The proposed extension would not project beyond either the front or rear building lines of the property and would thus cause no impact upon the occupiers of the adjoining property (no.3). The main issue for consideration is therefore whether the extension would have an unacceptable impact upon the occupiers of nos. 61, 63, 65, 67 and 69 Greyhound Hill.

No.69 Greyhound Hill was granted permission in 1996 (W10865) to be converted into a Doctor's Surgery (D1 use) and has been retained as such since. Due to an existing single storey garage, a group of large Evergreen trees and the fact that this property is non-residential, it is not considered that any significant impacts would be caused to this property.

A section of the proposed extension would abut the shared boundary with no.67 Greyhound Hill however due to the angled plot; this would only be for a length of 2.3m. For the rest of its extent, the proposed extension would be set away from the rear boundary of this property, reducing its visual impact. The proposed extension would also replace a garage which was abutting the shared boundary. The depth of flank wall abutting this boundary would thus actually be reduced by the scheme. Due to the distances between the proposed flank elevation and the rear elevation of this property (approx.13m) as well as the existing, taller massing of the existing dwelling, it is not considered that the proposed two storey side extension would reduce the outlook from the rear of this property to a level which would substantiate a reason for refusal. It is similarly not considered that there would be any significant reduction in levels of light into this neighbouring property due to the orientation of the property and the reduced height of the extension compared to the original ridgeline of the dwelling. It is not considered that cumulatively the development would represent an overdevelopment of the application site nor would the hereby proposed addition appear dominant or disproportionate to the exiting dwelling.

The proposal involves a two storey extension and will be used as part of the existing single family dwelling house and therefore not as a separate unit. However, in order to elevate the concerns raised by neighbours with regards to the extension being used as a separate unit a condition is recommended to be attached to the permission to ensure the dwelling remains in single family occupancy and not converted or used as a separate unit.

Due to the siting and design of the proposed extension as well as the distance between its closest neighbouring elevation and the boundaries of nos.65, 63 and 61, it is not considered that any significant reduction in residential amenities would be caused to these neighbouring occupiers.

5.4 Response to Public Consultation

Responses to comments which have not been previously addressed in the above appraisal:

- It should be highlighted once again that the decision to quash the previous planning application was on account of the LA failing to complete a full public consultation process and had no bearing on the planning merits of the application.
- No additional hard surfacing to the front is hereby proposed and does therefore not form a consideration for this application

- The dwelling retains permitted development rights and thus the replacement of windows could be completed without planning permission under Class A, Part 1 of Schedule 2 of the General Permitted Development Order 2015.
- There is no statutory or policy requirement to maintain a side access though the rear of a site. This is therefore not objectionable.
- None of the trees within the site are protected.
- A key aspect of the above appraisal was analysis which was completed through a site visit by the officer for the application in October 2015.
- In forming this recommendation, the Local Planning Authority has satisfied its duty to complete a formal period of public consultation as stipulated by Article 15 of the Development Management Procedure Order.
- The content of submitted comments form public documents. If images are attached to submitted objection comments then these also form public documents. This does not represent a breach of the Data Protection Act.
- Planning applications must always be assessed objectively. The approach taken by the applicant cannot therefore form a material consideration.
- Following the submission of comments, the status of the previous application was amended online.
- The contraventions to the clauses of the Design guidance detailed relates to a superseded supplementary policy documents which no longer a material consideration. This recommendation has been based upon the adopted policy documents listed above.
- The consideration of what forms a significant impact in terms of character is not based upon the amount of resulting habitable rooms but upon the visual impact of the proposed development.

The following points would not constitute material planning considerations as they would either be covered by separate legislation or would form a civil matter:

- Working hours for construction (Statutory nuisances would be covered by the Environmental Health Act 1990, as amended).
- Matters relating to Party Wall agreements
- Damages cause to property during construction
- The administration of previous planning applications / determinations
- The impact that a proposed development might form upon the valuation of surrounding properties.
- The impact upon the stabilisation of neighbouring properties (this would be covered by and assessed against statutory Building Regulations)
- The status of the Council's service provision is not a material planning consideration for this application.

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 the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. It is not considered that the proposed

development would have a significant impact upon the residential amenities of neighbouring residents. This application is therefore recommended for approval.

SITE PLAN:

