

# HENDON AREA PLANNING COMMITTEE

9<sup>th</sup> December 2015

**ADDENDUM**  
**1 Newark Way, NW4 4LG**

---

<p><b>Pages 37 to 48</b> <b>15/06189/HSE</b> <b>1 Newark Way, NW4 4JG</b></p>
---

Following the publication of the report additional letters have been received.

**An additional objection letter raises the following issues:**

- Concerned about the totality of the Council's conduct in relation to planning at this property ie failure to consider enforcement action for the dormer window at the rear which has serious effects on neighbours' amenity. This is the subject of consideration of separate complaint for maladministration

*Officer comment: this is not pertinent in consideration of the current application, except in so far as the totality of extensions to the property can be considered when assessing the merits of the current proposal*

- Grant of permission for the present application would be unlawful and subject to judicial review

*Officer comment: See all comments below in respect of the considerations material to this application*

- The report fails to acknowledge that the application is in effect retrospective and the extension mostly built. Despite the quashing of permission 15/04033/HSE, the council made no attempt to stop works continuing while reconsideration was taking place

*Officer comment: Both these matters are addressed on page 40 of the report pack*

- It is utterly disingenuous for officers not to bring this to the Committee's attention in the report and amounts to an unlawful failure to take into account material considerations. In summary those would be a full explanation as to why enforcement action was not taken, that the application is in effect a retrospective one, and an explanation to the Committee as to what the built form actually comprises and how it affects planning in the area and neighbours

*Officer comment: These matters are addressed in the report*

- This deficiency can only sensibly be resolved by a site visit

*Officer comment: Members have undertaken a site visit*

- We do occasionally come across self-serving officer reports like this one...attempting to justify what on any view is extraordinary over-development. The obvious point relates to policy that "side extensions should not be more than half the width of the original house". This one is more than that width....the SPD policy is mis-reported in inserting the word "normally" when that is not what the policy says

*Officer comment: The SPD 'Residential Design Guidance' is a supplementary planning document which provides guidance. It does not constitute policy. The relevant policy is DM01 of the Development Management Policies DPD.*

*In relation to the guidance paragraph 14.15 states: "Side extensions should not be more than half the width of the original house. In addition, the setting back of the front wall of side extensions from the front building line can help to reduce the visual impact on the street scene. First floor side extensions should normally be set back 1 metre from the front main wall of the existing house..."*

*The pictorial examples shown in the SPD are of traditional 2 storey houses with pitched roofs. The properties at 1 and 3 Newark Way were originally designed with a cat-slide roof and so are not directly comparable. However, this matter is considered in the officer assessment on page 43 which makes it clear that the view of officers' is that the enlargement of the house would remain a visually subordinate addition.*

*The ground floor of the extension is in fact less than half the width of the house although the first floor is not due to the original cat-slide design*

- Going beyond the limit is argued to be justifiable in this case...concluding in effect that a refusal could not be substantiated. But this is an incorrect approach. Barnet Council has a clear policy on the matter. Indeed in consideration of the application for prior approval H/02733/14, it was expressly stated that the extension "would have to adhere to both sets of policies relating to side and rear extensions as set out in the technical guidance."

*Officer comment: As stated previously the Residential Design Guidance SPD is guidance, not policy. The reference to application H/02733/14 is not relevant as it related to whether an extension was "permitted development". Such applications are determined as lawful, or not, depending on whether the proposed development meet the requirements of the General Permitted Development Order, not development plan policy*

- Of course we are well aware that a Council can depart from policy if there are material considerations to do so but the officer's report identifies no such considerations

*Officer comment: The report does assess the merits of the case*

- Due to failure to take into account material considerations and failure to identify departure from policy and the material considerations justifying same – the application should be refused and enforcement action taken

*Officers have referred in the report to the material considerations supporting the recommendation*

- There should be no sympathy for the applicant who has proceeded entirely at his own risk following quashing of the earlier permission

*The application should be determined on its merits*

**A letter has been received from one of the occupiers of a property who had previously objected.**

The letter states that the tenants are students staying for a short period of time and do not wish to be involved in what is happening. It goes on to say that they were affected by noise and rubbish during the building of the extension, that the building is not attractive to look at and will potentially block sun in the summer. However they do not wish to be a part of this anymore and want nothing more to do with it.

**A letter has been submitted by the applicant which is from the owner of the same tenanted property and addressed to the applicant**

The letter states that the tenants may have been advised that the Landlord supported them signing the petition but this was certainly not the case.