

Location **57 Fosgate Road London NW4 3SE**

Reference: **16/0572/FUL**

Received: 28th January 2016

Accepted: 1st February 2016

Ward: West Hendon

Expiry 28th March 2016

Applicant: Mr Dan Tamir

Proposal: Part single, part two storey rear extension, first floor side extension and loft conversion involving 2 additional rooflights to the existing rear elevation to increase the floorspace of existing flats

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; 100; 101; 102; 200; 201; 202; 203

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 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).

- 6 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.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning

application has therefore been assessed at this time as liable for a payment under Barnet CIL.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Please visit
<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>
for further details on exemption and relief.

Officer's Assessment

1. Site Description

This application site relates to a two storey detached dwelling on the west side of Foscombe Road; the property is in use as 10 studio units.

The dwelling is not listed and it is not located within a designated conservation area.

2. Site History

Reference: H/022209/11

Address: 57 Foscombe Road, London, NW4 3SE

Decision: Lawful

Decision Date: 20.07.2011

Description: Retention of 10no self-contained studio units

Reference: W14579A/06

Address: 57 Foscombe Road, London, NW4 3SE

Decision: Approved subject to conditions

Decision Date: 31.01.2007

Description: Part single, part two-storey rear extension. Loft conversion with side and rear dormers.

Reference: W14579/06

Address: 57 Foscombe Road, London, NW4 3SE

Decision: Withdrawn

Decision Date: 26.09.2007

Description: Single storey rear extension and part two-storey rear extension. Loft conversion including dormer to rear and both sides.

3. Proposal

Planning permission is sought for part single, part two storey rear extension, first floor side extension and loft conversion involving 2 additional rooflights to the existing rear elevation to increase the floorspace of the existing 4 bedsits comprising 1x2 bed unit; 1x1 bed unit; 2x2 larger bedsits. Rest of the 6 bedsits remain exactly the same size. The proposal does not increase the number of units just the floorspace to create larger units.

The part two storey rear extension will project to the rear of the property along the boundary with neighbouring property No.55 Foscombe Road. At ground floor level it will project by 4m and measure 5.1m wide. The first floor rear extension would measure 3 meters deep and 4.4m wide with a pitch roof. The extension will be set in from the flank wall of property by 0.7m giving an overall gap of 1.7m from the boundary with No.55 Foscombe Road.

The first floor side extension will project to the side by 2.5m for a length of 8.3m and set back from the front building line. The proposed first floor side extension is sited along the rear boundaries of properties No.65 and No.67 Vivian Avenue. Given the depth of the rear gardens of these properties it is not considered their amenities would be compromised as a result of this proposed extension.

4. Public Consultation

30 consultation letters were sent to neighbouring properties.

11 responses have been received, comprising 11 letters of objection.

The objections received can be summarised as follows:

- The owner did not apply for planning permission for the two studio flats next to my garage and using my neighbour's garden wall at No.67 & No.69 Vivian Avenue. There are no foundations at all for the wall for the studio flats.
- When owner of 57 Fosscote Road built extension at the property at Vivian Avenue the building collapsed to the ground and I think it was due to some wrong ideas.
- Since the studio flats were built at the mention address I have suffered for having water coming down from the gutter above my garage wall when it rains. My garage wall is wet most of the time. It is wrong for someone to increase the value of the property and I have to suffered devalue of my property because of that reason.
- We are asking owner of 57 Fosscote Road to move the wall at least half a meter away from our properties because of the danger it will cause. We do not oppose our neighbour's plan except that the walls must move either one meter or at least half a meter away and make sure that it doesn't cause any problem or damage to any of our properties. I am sure planners understand the problems and pain we have gone through and the danger it will occur in future and therefore it has to stop the mistake and make change to avoid troubles.

Whilst 11 objections were received, not many were available to view online.

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.

ul 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 the alterations would be a visually obtrusive form of development which would detract from the character and appearance of the street scene

- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

Within Barnet's Residential Design Guidance SPD it sets out that rear extensions should 'not look too bulky and prominent compared to the size of the main building and garden to which they relate'. The proposed rear extension will project by 4m at ground floor level and 3m at first floor level. At first floor level the rear extension has been stepped in from the boundary with neighbouring property No.55 Foscoote Road and has a lower ridge height than the host dwelling; the rear extension therefore appears as a subservient addition.

The design of development would complement the appearance of the main building in terms of proportion and materials. The extension is subordinate to the original house and would comply with the Residential Design Guidance SPD. Many dwellings along Foscoote Road have had rear extensions. It is therefore not considered that the proposal would not materially harm 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

The proposed extensions will appear as subservient additions that will not extend beyond the rear elevation of neighbouring property No.55 Foscoote Avenue. It is not considered to adversely or detrimentally impact upon the residential amenity of neighbouring occupiers and therefore complies with Barnet's Residential Design Guidance SPD.

Comments have been received from neighbouring properties along Vivian Avenue with regards to the existing foundations of the applicant's property that runs along their boundaries. Their main concern is the strength of the wall and they would like to see the proposed extension set off their boundaries and do not oppose the principal of the side extension. Extensions can be built up to the boundaries and it would be unreasonable for officers to request a set back from the boundaries however, construction of the extension and structural/safety/drainage elements would be regulated under Building Control regulations

It is considered that the proposed development would have an acceptable impact on the character and appearance of the streetscene and would not have a significant adverse impact on the residential amenity of neighbouring occupiers.

5.4 Response to Public Consultation

Addressed in report above.

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, the proposed development would have an acceptable impact on the character and appearance of the application site and the streetscene. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

