

**Location**                               **374B Long Lane London N2 8JX**

**Reference:**                           **16/1447/FUL**                               Received: 7th March 2016  
Accepted: 7th March 2016

Ward:                                       East Finchley                                       Expiry 2nd May 2016

Applicant:                               Ms Katrin Hirsig

Proposal:                                 Single storey rear extension following demolition of existing conservatory

**Recommendation:** Approve subject to conditions

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan and site plan: A001, A002, A003 and A004.

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 building hereby permitted is first occupied the proposed doors and window(s) in the side elevation facing No.370 and No.376 Long Lane shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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) and the Residential Design Guidance SPD (adopted April 2013).

**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.

## **Officer's Assessment**

### **1. Site Description**

The site property is a two storey end of terrace building containing five self-contained units located on Long Lane. The application concerns the rear ground floor flat. It is not listed and does not lie within a Conservation Area.

### **2. Site History**

Reference: 15/06472/FUL

Address: 374B Long Lane, London, N2 8JX

Decision: Refused

Decision Date: 6 January 2016

Description: Single storey rear extension following demolition of existing conservatory

Reference: F/03665/08

Address: 374B Long Lane, London, N2 8JX

Decision: Approved subject to conditions

Decision Date: 23 December 2008

Description: Retention of rear conservatory on former patio area.

Reference: C09822

Address: 372-374 Long Lane, London, N2 8JX

Decision: Approved subject to conditions

Decision Date: 20 April 1988

Description: Single storey rear extension, conversion into five self-contained flats, four parking spaces and vehicular access

### **3. Proposal**

The application seeks permission for a single storey rear extension following the demolition of the existing conservatory.

The proposed extension would be 3.3 metres deep and extend across the full width of the property. The extension would have a maximum height of 3.35 metres and includes a flat roof.

### **4. Public Consultation**

Consultation letters were sent to 6 neighbouring properties.

5 responses has been received, comprising 5 letters of objection

Neighbours Wishing To Speak 1

The objections received can be summarised as follows:

- Notice to the wrong freeholder
- Encroachment onto the communal areas
- Change of use From conservatory to kitchen
- Overlooking to and from the garden
- Out of scale / over-dominant
- Noise in garden due to bi-fold windows
- Out of keeping with the proportions of the existing house

- Impact on access and parking
- Drainage issues
- Neighbours not consulted
- Affect the view from the garden
- Block of the light into the flat living area

Further to objectors' comments, additional consultation letters were sent on 25.04.2016 to all residents at No.372 and No.374 Long Lane and all adjoining properties on the basis of a corrected site plan.

## **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 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**

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.

A similar proposal was refused planning permission (15/06472/FUL) for the reason that: the applicant has provided insufficient information to enable the Local Planning authority to determine whether the proposed extension would have an acceptable impact on the character of the area and neighbouring amenity. The submitted plans only show 374B Long Lane and do not allow a clear assessment of the proposal especially with regards to the existing building and surrounding area.

The submitted information and plans regarding this present application are considered satisfactory to assess the proposal in terms of impact on the character of the area and neighbouring amenity.

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

The property benefits from an existing rear extension and conservatory 6.8 metres deep. The proposal would replace the conservatory and retained a similar footprint; it would be higher than the existing but would remain in keeping with the footprint of the existing rear extension and include a similar flat roof. Furthermore, this part of Long Lane has a varied character where a number of properties have had alterations, including numerous rear extensions with a different size and design. The proposed extension is considered to be a proportionate addition to the dwelling and would not be harmful to the host property and character of the area.

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

The proposal would be higher than the existing conservatory; however its depth would remain unchanged. The property benefits from a two storey rear projection which visibly dominates the outlook of the adjoining properties. The rear windows of the ground floor flats at No.372 and 374A long Lane are located approximately 10 metres from the line between the existing rear addition and proposed extension and the outlook from these windows is already dominated by the two storey rear projection. As a result, it is not considered that the proposal would impact upon the amenities of these neighbouring occupiers over and above what is currently experienced on site.

To the west side, the proposal would be set back approximately 1.5 metres from the side boundary with No.370, which benefit from a rear element with a similar depth, and a dense

vegetation including high hedges and one mature tree are present between the two properties. The proposed extension is not considered to have any detrimental impact on the amenities of the neighbouring occupiers with regards to loss of outlook, loss of light or appearing overbearing.

To the east side, there is a distance of approximately 10 metres between the rear and side windows at No.376 Long Lane and the host property. It is not anticipated that the proposal would harm the amenities of these occupiers. On the contrary, the replacement of the conservatory with the proposed extension would increase the level of privacy between No.374B and No.376. As mentioned above, the extension's footprint would remain unchanged, therefore, the proposed extension is not considered to have any detrimental impact on the amenities of these neighbouring occupiers in terms of loss of light or overbearing.

It noted that concerns were raised regarding the boundaries between communal and private areas within the application site. Although this is not a planning matter, the applicant confirmed that notices were served to the current freeholder of the site (No.372 and No.374) and to all leaseholders. The Council also sent consultation letters to all residents at No.372 and No.374 Long Lane and all adjoining properties. The proposal would replace an existing conservatory which was given retrospective planning permission (F/03665/08) and, as mentioned above, the proposed extension would have a similar footprint as existing.

#### **5.4 Response to Public Consultation**

- Notice to the wrong freeholder

The current freeholder at the time of the application confirmed the applicant gave notice with regard to the present application. All owners of the property are understood to have been notified.

- Encroachment onto the communal areas

The concerns raised in this respect are noted and acknowledged. The proposal is of the same footprint as the existing. It is not considered that the proposal would represent a harmful reduction in the communal amenity space.

- Change of use from conservatory to kitchen

Changes to the internal layout of a residential property are not considered as a material change or intensification of use and is not a reason for refusal.

- Overlooking to and from the garden

It is not considered that the replacement of an existing extension would result in harmful overlooking from or into the communal garden, taking into account the siting of windows. There would be less glazing than the existing conservatory.

- Out of scale / over-dominant

The proposed extension is considered to be an acceptable addition to the host property. As such, it is not considered that it will have a detrimental impact on the residential amenities of the future and neighbouring occupiers including increased sense of enclosure, loss light or overbearing.

- Noise / quiet enjoyment of the garden

It is not considered that the proposals would prejudice the enjoyment by residents of the rear garden.

- Impact on access and parking

The proposals would not increase the occupancy, number or size of the flats. It is therefore not considered that there would be a harmful impact on highway or pedestrian safety. Issues regarding private access and private parking are no planning matter and no reason for refusal.

- Drainage issues

It is not anticipated that the replacement of an existing conservatory with an extension would significantly impact local drainage.

- Neighbours not consulted

Consultation letters were sent to the adjoining properties located around the application site, included all adjoining flats, as is required by the Town and Country Planning Act 1990, and LB Barnet's code of practice which exceeds these requirements. All information is accessible to the public and everyone has a right to comments on an application.

- Affect the view from the garden

Loss of view is not a planning matter therefore it does not constitute a basis on which to refuse this proposal.

## **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.



