

Location **40 Finchley Park London N12 9JN**

Reference: **16/0114/HSE** Received: 7th January 2016
Accepted: 12th January 2016

Ward: Woodhouse Expiry 8th March 2016

Applicant: Mr Dulcie Rowe

Proposal: Demolition of existing conservatory and erection of part single part two storey rear extension

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, 40FP-PP-01, 40FP-PP-02, 40FP-PP-03C REV C, 40FP-PP-04C REV C and 40FP-PP-05C REV C.

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 facing No.38 Finchley Park and No. 1 to 3 Laurel Bank.

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 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.

Officer's Assessment

1. Site Description

The site property is a two storey detached single family dwellinghouse located on Finchley Park. The property is not listed and does not fall within a designated conservation area.

The surrounding area is predominantly residential with a mixture of houses and flats of different designs, predominantly of two and three storeys in height, providing a varied character with some noteworthy buildings, particularly the terraces at 22-30 Finchley Park and 44-50 Finchley Park.

2. Site History

Reference: N09246

Address: 40 Finchley Park London N12 9JN

Decision: Refused

Decision Date: 29 March 1989

Description: Two storey rear extension & single storey conservatory at rear.

Reference: 15/06641/HSE

Address: 40 Finchley Park, London, N12 9JN

Decision: Refused

Decision Date: 11 December 2015

Description: Two storey rear extension following demolition of existing conservatory

3. Proposal

The application seeks permission for a part single, part two storey rear extension following the demolition of the existing conservatory and canopy.

Amended plans have been received which reduced the siting, size and bulk of the proposed first floor rear extension.

The proposed ground floor would be 7.8 metres wide with a depth of 4.5 metres on the west side and 3.2 metres on the east side. At first floor level, the proposal would be 3.9 metres wide with a depth of 3.4 metres on the west side and 2.2 metres on the east side. It would include a crown roof at ground floor level with eaves height of 3 metres for a maximum height of 3.6 metres. A similar dual pitched roof as the existing rear projection is proposed at first floor. It would be set 0.3 metre below the main roof's ridge.

4. Planning Considerations

4.1 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 Government's 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.

4.2 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.

4.3 Assessment of proposals

Further to the previous Finchley and Golders Green Area Planning Committee, the item was deferred to the following meeting due to concerns regarding the letters previously sent informing residents about the meeting.

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.

Paragraph 14.23 of SPD states that two storey rear extensions which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable. This is because they can be too bulky and dominant, and have a detrimental effect on the amenities of neighbours.

Paragraph 14.24 precises that two storey rear extension need to ensure they do not lead to:

- loss of light to, and outlook from, windows and glazed doors positioned close to the extension
- unacceptable sense of enclosure to house and garden
- overbearing impact
- harm to the character or appearance of the property and area.

A previous scheme was refused planning permission for the reasons that:

The proposed two storey rear extension by reason of its size, rearward projection and siting would appear unduly obtrusive and be detrimental to the appearance of the host property and out of context with the prevailing character and appearance of the area, contrary to policies 7.4 and 7.6 of The London Plan (2015), policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2013).

The proposed two rear extension, by reason of its size, siting and excessive depth, would cause a harmful loss of light, loss of outlook to the amenities of neighbouring occupiers at No.38 Finchley Park and 1 to 3 Laurel Bank, and would appear overbearing, causing harmful sense of enclosure. In this regard, the proposal is considered unacceptable and fails to comply with policy DM01 of the Adopted Development Management Policies DPD (2012), Policy CS1 and CS5 of the Adopted Core Strategy (2012) and the Barnet Adopted Residential Design Guidance SPD (2013).

The main change with this present application concerns a substantial reduction of the size and sitting of the proposed extension.

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

This part of Finchley Park has a mixed character and includes rows of terraced properties, semi-detached houses as well as large blocks of flats. Many of these properties have been altered, and several benefit from two storey rear extensions. No.40 appears to be one of two detached properties in the street.

The site property has some features of historic and architectural interest. The front of the building would not change, the proposals relate to a part single and part two storey rear extension, following the removal of existing conservatory. It is however not listed or within a conservation area

At ground floor, the proposal includes the demolition of the conservatory and canopy. It would be replaced by a single storey rear extension with a depth of 4.5 metres on the west side and 3.2 metres on the east side. Barnet Residential Design Guidance SPD states that an appropriate depth for a single storey rear extension to a detached dwellinghouse is 4 metres. Taking into account that the existing conservatory, (located on the west side) is 5 metres deep and that both existing and proposed elements would have a similar height, the proposal would be of a form and scale sympathetic to the host property and is considered acceptable.

The first floor element would extend over 3 metres deep; however, it would have a minimum setback of 2.1 metres from the west side boundary and 3.4 metres from the east side boundary. It would also have a lower roof than the main roof of the property. As such, the proposed extension would adhere to Barnet's Residential Design Guidance and is considered acceptable. The proposed roof would replicate the existing rear projection roof's design and remains in keeping with the host property. The proposed first floor rear extension would be a proportionate addition to the property and would not have a harmful impact on the character of the area.

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

The host property is significantly set-back from neighbouring property No.38 Finchley Park. At first floor, No.38 benefits from a rear window located approximately 5 metres away from the rear line of No.40. The property also benefits from a two storey rear projection with a rear window sited approximately 6 metres away from the rear line of No.40.

It is noted that no.38 is set well forward of the site property. In this way the extension is not sited immediately outside the windows of no.38, instead it is sited alongside the garden. As mentioned above, at ground floor level, the proposal's depth has been reduced which would lessen its visual impact on No.38's amenities. Given the limited size of the proposed first floor extension and, considering the proposed set-back, the extension would not appear visually obtrusive and would not have a detrimental impact on the amenities of these neighbouring occupiers with regards to loss of outlook or overbearing.

In addition, given the sun orientation; the proposal would not have a harmful impact on No.38's amenities in terms of loss of light or overshadowing, as the building is located to the north-east of no.38.

Furthermore, the first floor extension would have no windows in the extension facing the garden of no.38 so there would not be harmful loss of privacy.

On the east side, the neighbouring properties consist of Laurel Bank which contains two blocks of flats. No.4 Laurel Bank, directly adjacent to the host property, is located at the back of the site. The proposal is unlikely to have harmful impacts on the amenities of these neighbouring occupiers.

The second block of flats, No. 1 to 3 Laurel Bank, benefits from many windows, including bays windows, directly facing towards No.40 Finchley Park. It is highly likely that there are living areas on this side of the block, especially considering the presence of the bays windows.

The existing building already is located in closer proximity to neighbouring windows than the extension, which is set 7.4m away from the boundary with these windows. There are no windows facing within the extension and as such there would not be harmful overlooking.

The extension is located to the west of Laurel Bank. It must be noted that under 'permitted development', a 3m deep rear extension could be constructed across the width of the house, as long as it is 2m from the side boundaries of the site, so would not need to be set in from Laurel Bank as much as proposed. It is not considered that any loss of light to the windows of Laurel Bank would be so significant as to be harmful to the living conditions of neighbouring occupiers. The proposal, as amended, would maintain a gap of approximately 7.4 metres between the host property and these flats it is considered that this would be sufficient to mitigate any detrimental impact on the amenities of these neighbouring occupiers regarding loss of light and loss of outlook.

5. Public Consultation

Consultation letters were sent to 9 neighbouring properties.

11 responses have been received, comprising 11 letters of objection

Neighbours Wishing To Speak 10

The objections received can be summarised as follows:

- Overdevelopment
- Out of character
- Loss of light

The objections raised by objectors are noted. In regards to the proposal resulting in an overdevelopment of the site, the proposal, as amended, is considered to be an acceptable addition to the host property. As such, it is not considered that it will be out of character with the surrounding area or have a detrimental impact on the residential amenities of the neighbouring occupiers with regards to loss of light or overbearing.

The extension of the house to form a three bedroom house is not considered to be disproportionate.

It is noted that there are buildings of historic and architectural character on Finchley Park. The proposals would keep this intact, as the works only relate to the rear elevation and respect the appearance of the building.

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.

