

Location **22 Brookside Road London NW11 9NE**

Reference: **15/07562/HSE** Received: 11th December 2015
Accepted: 18th December 2015

Ward: Golders Green Expiry 12th February 2016

Applicant: Mr & Mrs R Rosenblum

Proposal: Part single, part two storey rear extension following demolition of existing rear extension. New patio with access steps and railing. New front porch

Recommendation: Refuse

- 1 The proposed ground floor rear extension would, by reason of its size, scale, siting and depth of rearward projection, would have an overbearing relationship with 20 Brookside Road, resulting in an unacceptable loss of outlook and sense of enclosure, to the detriment of the residential amenities of the occupiers of this property. The application is therefore considered to be unacceptable and contrary to Policy DM01 of the Barnet Development Management Policies DPD (2012), Policies CS1 and CS5 of the Barnet Core Strategy (2012), Policy 7.6 of the London Plan (2015) and the guidance contained within the Barnet Residential Design Guidance Supplementary Planning Document (2013).

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. The LPA has discussed the proposal with the applicant/agent where necessary during the application process. Unfortunately the scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

- 2 The plans accompanying this application are:

Site Location Plan
Drawing No. BR - 22
Drawing No. BR - 221
Drawing No. BR - 222D [As amended]
Supporting information provided by applicant

Officer's Assessment

The application was deferred from the May meeting of the committee to enable officers to discuss possible amendments with the applicant's agent. An amended plan has been submitted to amend the roof profile on that part of the extension adjoining the boundary with 20 Brookside Road. This does not overcome officers concerns.

1. Site Description

The application site is a semi-detached property on the south-easterly side of Brookside Road, in the ward of Golders Green. Decoy Brook borders the site to the rear.

The site is not within a Flood Risk zone. It is not within a conservation area and is not a listed building.

2. Site History

Reference: 15/07569/PNH

Address: 22 Brookside Road, London, NW11 9NE

Decision: Prior Approval Required and Refused

Decision Date: 21 December 2015

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 3.3 metres

3. Proposal

The application seeks consent for the following works:

- Part single, part two storey rear extension following demolition of existing rear projection
- New patio with access steps and railing
- New front porch

The proposed ground floor rear extension would measure 4 metres in depth from the original rear wall of the property, 7.6 metres in width (the full width of the rear elevation) and 3.6 metres in eaves height (taking into consideration level differences) with a flat roof.

The proposed first floor rear extension would be built upon the proposed ground floor extension. It would measure 3 metres in depth, 5.6 metres in width and 6.3 metres in eaves height from ground level. With its crown roof this increases to a maximum ridge height of 7.4 metres.

The proposed front porch would project 1.7 metres from the main front wall of the property. It would measure 2.9 metres in width, have an eaves height of 2.5 metres and would be covered by the existing angled canopy.

Due to level differences, the application also proposes a raised platform from the proposed ground floor extension's sliding doors with access steps and a railing down to the main garden area. The platform would be raised 0.8 metres from ground level and would be 3.75 metres in width and 0.9 metres in depth.

There will also be new access steps down the sideway of the property to the garden.

Amendments were requested but none were forthcoming.

4. Public Consultation

Consultation letters were sent to 12 neighbouring properties.
2 responses have been received, comprising 2 letters of objection.

The objections received can be summarised as follows:

- Development would impact the outlook, light and privacy of occupiers at the neighbouring property of No. 24 Brookside Road and No. 20 Brookside Road
- Detrimental impact on highways, access and parking
- Extensions are out of scale
- Increased noise and disturbance
- Objection included reference to paragraph numbers set out in Chapter 14 of the adopted Residential Design Guidance SPD (2013)

Councillor Dean Cohen has requested the application be presented at area committee if Officer's are minded to recommend refusal for the scheme.

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 2016

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 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.

5.3 Assessment of proposals

Proposed ground floor rear extension:

Paragraph 14.21 of the Residential Design Guidance SPD (2013) states that the depth of a single storey rear extension normally considered acceptable for semi-detached properties is 3.5 metres.

The proposal exceeds this guidance, with a proposed depth of 4 metres at ground floor from the original rear wall.

Paragraph 14.22 states that single storey rear extensions to the original house, need to ensure that:

- the depth and/or height of the extension does not cause a significant sense of enclosure, or loss of outlook from, or light to, principal windows of habitable rooms of neighbouring properties
- they do not look too bulky and prominent compared to the size of the main building and garden to which they relate

The proposed ground floor extension would measure the full width of the rear elevation and abut the boundary adjacent to No. 20 Brookside Road.

The property at No. 20 does not benefit from any rear extensions, and has retained its original rear 'L' shape projection.

For this reason it is considered that a proposed extension of 4 metres, on the boundary, at the application site would result in an unacceptable sense of enclosure and overbearing impact to the neighbouring property at 20 Brookside Road. Furthermore, it is considered the extension would result in an unacceptable loss of outlook to the rear ground floor windows closest to the application site at No. 20 Brookside Road.

In regards to the proposed extensions impact on the neighbouring property at No. 24 Brookside Road, this property has benefitted from a ground floor rear extension adjacent to the boundary of the application site (of a similar depth as the original 'L' shape projection). Furthermore the proposed extension would be sited at a distance of 1.2 metres from the boundary on this side. As such, it is not considered that the ground floor extension would have an unacceptable impact on the amenity of neighbouring occupiers at No. 24 Brookside Road.

In regards to character and appearance, it is noted that properties along this road benefit from rear extensions of various depths and sizes. As such, it is not considered that the proposed extension would impact the character and appearance of the host property to an unacceptable level.

In regards to the proposed raised platform from the doors of the proposed ground floor rear extension, it would measure 0.9 metres in depth. In terms of practicality, Officers consider that the depth would not give significant opportunity for occupiers to dwell or sit on this raised platform. As such, it is not considered it would cause a harmful level of overlooking or loss of privacy to either neighbouring property.

Proposed first floor rear extension:

Paragraph 14.23 of the Residential Design Guidance SPD (2013) states 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.

The proposed first floor extension would measure 3 metres in depth from the original rear wall. It would be sited at a distance of 2 metres from the boundary adjacent to No. 20 Brookside Road.

It would therefore be compliant with the above guidance, and is deemed acceptable.

In regards to the side adjacent to No. 24, it would project 3 metres and would be closer than 2 metres from the boundary (at a distance of approximately 1.2 metres). However, as established, the property at No. 24 benefits from a single storey rear extension adjacent to the boundary of the application site. Furthermore the first floor rear-facing window closest to the application site appeared, upon a site visit, to be obscure-glazed and all side windows at ground floor and first floor facing the application site are obscure-glazed. As such, it is not considered the proposed first floor extension would impact the amenity of neighbouring occupiers at No. 24 to an unacceptable level.

In regards to character and appearance it is noted that the first floor rear extension would have a crown roof. Although ideally the extension would have a subordinate pitched roof to match the host dwelling (in accordance with the advice set out in Paragraph 14.26) it is not considered that this crown roof would impact the character and appearance of the main building or surrounding area to an unacceptable level.

Proposed front porch:

The proposed front porch would infill the existing porch canopy. It would not project beyond the footprint of this existing canopy.

There are various examples of similar porch infill extensions along this side of Brookside Road. As such, the proposed front porch is deemed acceptable in regards to its impact on character and appearance of the application property and street scene.

It is not considered the infill porch would harm the amenity of the neighbouring occupiers at No. 24 Brookside Road.

Other material considerations:

It has been brought to the attention of officers during the consideration of this application that one of the applicant's family members suffers from a disability. The applicant has provided information in regards to the family's needs, in relation to the proposed extensions. It would appear that the family currently live elsewhere.

The information received is as follows:

1. Email from applicant sent to the Planning Officer on 20 January 2016, describing the family member's needs and the intentions for the proposed extensions to facilitate the necessary home adaptations.

The email also includes a copy of advice from a Barnet Grant Officer for Home Adaptations .

The Officer states in regards to meet the family needs:

"Broadly they can be achieved by one of two means, namely;

1. Installing a through floor lift to allow (child's name) to transfer between the ground floor and first floor. This would enable (name) to access a bedroom on the first floor and the main family room on the ground floor. We could adapt the bathroom and WC to make it accessible for her, including taking down the wall between the bathroom and WC. The front door could be ramped to provide wheel chair access. The garden in its present state would be difficult to make accessible but we could look at this further when we have more idea of what you intend to do with the property.

2. The second option is to provide ground floor living facilities for (name) in the form of a bedroom and bathroom with WC. Due to the small size of the ground floor and the lack of any spare space, this would in all likelihood involve extending the property at the rear. The front and rear of the property would be made accessible as described in 1 above."

2. A letter from a leader at the PACE Centre (no date) sent via email on 01 February 2016 who states she has been working with the applicant's family. The letter explains the medical condition.

It recommends:

- The need for sufficient space to move around
- Adaptation to toilets and bathrooms
- Suitable handrails
- Wider doorways
- Level access to the front and rear into the garden
- Therapy sessions in the house and adequate space to do this

3. Notes sent via email on 20 March 2016 in regards to Occupational Therapist advice.

It recommends:

- Combine upstairs bathroom and toilet into one room. Provision of wet floor shower facilities and clos-o-mat toilet
- Ramping for access at the front of the property.
- A combination of ramping and step-lift to access the back garden.
- Through floor lift to access upstairs bedroom.
- Wheelchair access from the hallway to the living room.
- Ceiling track hoist

The document continues to state:

"The above recommendations were given however; the family would like to consider their own scheme. This means that the overall adaptations completed may not mirror the original OT recommendation. This report is therefore general guidance for the child's needs within whatever scheme the family ultimately decide to create in their home."

It follows on to state dimensions and layout requirements required to adapt the house, with accompanying plans (not to scale) of bedroom and shower room layout.

4. Supporting letter from the applicant sent by email dated 20 March 2016.

5. Occupational therapist suggested exercises, dated March 2016

Officers recognise that this a sensitive case and one which requires a careful balance between the needs of the applicant's disabled family member, and safeguarding the amenity of the neighbouring occupiers.

Upon full consideration of all the matters put forward by the applicant, Officers conclude that the applicant has failed to demonstrate why a revised design which conformed with the requirements of the Council's planning design guidance would not meet the relevant needs. It is therefore considered that, in this instance, the information provided by the applicant does not outweigh the harm identified to the amenity of neighbouring occupiers, which is contrary to development plan policy.

5.4 Response to Public Consultation

- Development would impact the outlook, light and privacy of occupiers at the neighbouring property of No. 24 Brookside Road and No. 20 Brookside Road

Noted. Outlook and privacy assessed in the main body of the report. It is not considered that, taking into account the orientation of these properties, the proposed extensions would impact light to an unacceptable level.

- Detrimental impact on highways, access and parking

It is not considered that the proposed extensions would impact highways or parking to an unacceptable level. Parking is available within the front garden

- Extensions are out of scale

Taking into consideration the prevailing character of the area, and examples of extensions of various depths and sizes nearby, it is not considered that it would impact the character and appearance of the host property or surrounding area.

- Increased noise and disturbance

It is not considered that the proposed extensions would create additional noise and disturbance

- Objection included reference to paragraph numbers set out in Chapter 14 of the adopted Residential Design Guidance SPD (2013)

Development plan policy and guidance has been considered in the assessment of this application.

6. Equality and Diversity Issues

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies is set out in Section 149 of the Act. The duty requires the Council to pay regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

Equality duties require Authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different

members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different equality groups. It is an opportunity to ensure better decisions are made based on robust evidence.

Section 149 of the Act states that:

(1) A public authority must, in the exercise of its functions, have due regard to the need to-

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-

- (a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different to the needs of persons who do not share it;
- (c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(3) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular steps to take account of disabled persons' disabilities.

(4) Having due regard to the need to foster good relations between persons who share relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-

- (a) Tackle prejudice, and
- (b) Promote understanding

(5) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(6) The relevant protected characteristics are-

- Age;
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

It is considered that the applicant is within a protected group (disability). It is acknowledged that the proposals would benefit a disabled member of their family.

S149 (5) of the Act requires that the Council have due regard to the need to:-

'(5) having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:-

- (a) Tackle prejudice and
- (b) Promote understanding'

It is considered that the planning application itself provides an opportunity for an understanding of disabilities to be promoted.

In determining this planning application the Local Planning Authority must have due regard to the equalities impacts of the proposed redevelopment of the site on those persons protected under the Equality Act 2010. This Act requires the Local Planning Authority to demonstrate that any decision it makes is reached in a fair, transparent or accountable way considering the needs and rights of different members of the community.

The potential equality impacts have been highlighted above. Any equalities impacts have also to be analysed in the context of the overall planning merits of the scheme and the benefits it will confer particularly on a disabled person.

In this instance, officers consider that the benefits to the applicant (within a protected group) would not outweigh the harm to the residential amenities of the neighbouring occupiers as a result of the proposal. Amendments have been requested from the agent for the application but these suggestions have not been taken on board. It is considered that there may be other options available to the applicant that could be implemented without adversely affecting the residential amenities of the neighbouring residents. Officers are happy to continue discussions to find a solution for the applicant.

7. Conclusion

Having taken all material considerations into account, it is considered that the development would have an adverse impact on the amenities of neighbouring occupiers, which is not outweighed by the benefits to the applicant. This application is therefore recommended for refusal.

