

Location **939 High Road London N12 8QR**

Reference: **17/0947/HSE**

Received: 16th February 2017

Accepted: 20th February 2017

Ward: Woodhouse

Expiry 17th April 2017

Applicant: Mrs Chris Li

Proposal: Single 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 and drg.no.939IS-PP-01 Rev A.

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).

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. 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

This application site is a four storey end of terrace, single family dwelling house. It is a new build property within the mixed residential redevelopment of the former Metropolitan Police Garage on the west side of the High Road, N12.

This site is bounded by Highwood Avenue to the south and south west, Limes Avenue to the west and Woodside Grove to the North.

The house was granted permission as part of the Imperial Square development (see application ref.F/02217/13 in relevant planning history section of the report).

The house is more specifically located in the southern part of the Imperial Square development and shares its rear boundary with no. 8 and no.10 Highwood Avenue to the south. Its adjoining neighbour to the east is no.937 High Road and to the west on the unattached side is no.941 High Road.

The house has a rear garden approximately 11.9m deep.

2. Site History

Reference: 16/6910/NMA

Address: 931 High Road, London, N12 8QR

Decision: Approved

Decision Date: 17 November 2016

Description: Non material amendment for planning permission F/02217/13 dated 05/12/13 for "Demolition of existing buildings on the site and the construction of new buildings between three and five storeys in height, to provide 84 self contained flats and 11 houses (all Use Class C3), together with associated access, parking facilities, private amenity space, communal amenity space and landscaping" Amendments include installation of a glazed window to the first floor southern elevation of a projecting bay window to Building

Reference: F/02217/13

Address: 931 High Road, London, N12 8QR

Decision: Approved following legal agreement

Decision Date: 6 December 2013

Description: Demolition of existing buildings on the site and the construction of new buildings between three and five storeys in height, to provide 84 self contained flats and 11 houses (all Use Class C3), together with associated access, parking facilities, private amenity space, communal amenity space and landscaping

The following conditions are particularly relevant to the current application:

Condition 29:

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) the buildings hereby permitted shall not be extended in any manner whatsoever without the prior receipt of express specific planning permission in writing from the Local Planning Authority.

Reason:

To ensure that the development does not prejudice the character of the locality, the amenities of future occupiers of the dwellings proposed and the enjoyment by neighbouring occupiers of their properties in accordance with policies CS5, DM01 and DM02 of the Barnet Local Plan.

Condition 31:

Notwithstanding the details shown on the plans submitted and otherwise hereby approved prior to the commencement of the development (other than for Groundworks and Site Preparation Works) full details, including annotated scaled plans, of all proposed boundary treatments, walls, fencing, gates or other means of enclosure to be erected at the site (both to enclose the site and to divide areas within the site) shall have been submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved details prior to the first occupation of the dwellings hereby approved, be permanently retained as such thereafter and, 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), the means of enclosure erected at the site shall not be altered in any manner whatsoever without the prior receipt of express specific planning permission in writing from the Local Planning Authority.

Reason:

To ensure that the development protects the amenities of the occupiers of neighbouring and future properties, provides a safe and secure environment and to protect the character and visual amenities of the site and wider area in accordance with policies CS5 and DM01 and DM02 of the Barnet Local Plan and policies 1.1, 7.3, 7.4, 7.5 and 7.6 of the London Plan.

3. Proposal

The proposed single storey rear extension will project along the common boundary wall of adjoining house no.937, with a depth of 3m, full width of the rear wall measuring 6.1m wide. It would have a crown roof with an eaves height of 2.6m and a maximum height of 3.1m. The roof would host two roof lights that would be flush with the roof.

The proposed extension would be set away from the common boundary fence with the neighbouring house at no.941, to the west, by approximately 1.1m. The rear south facing wall of the proposed extension would be approximately 8.95m from the sites rear boundary with no.8 and no.10 Highwood Avenue.

4. Public Consultation

Consultation letters were sent to 5 neighbouring properties.

9 responses have been received.

Objections have been summarised below:

- Wrong Location Plan
- Application site address misleading
- Consultation should have been extended to more residents
- Set precedence

- Encroach on privacy
- Bring living space closer to noise closer to the boundary
- Out of character
- Parent application confirmed no extensions will be allowed
- Parent application in breach as it allowed a bay window to one of the houses
- Amenity, privacy and overlooking issues
- Loss of light
- Risk of ground slippage and collapse to our garden and paving
- Boyer Report should be considered as part of this application
- Proposal will materially alter the approved development and should not be approved pursuant to S96A of the Town and Country Planning Act 1990 (as amended)
- The application should have been turned away as ineligible
- Reference to a contractual agreement with the developer of the whole complex, including the application site and the rest of the terrace of which it forms part, which contains the following clause:
"Not for a period of 5 years from the date hereof to make external alterations or to erect any garage, or garden shed outbuilding extensions or temporary building on the property wall without consent in writing of the transferor"

The author comments that the developer has not approved the proposed plans.

- Area already overdeveloped
- Proposed extension will add to intrusiveness of the existing recently constructed buildings.

Neighbouring properties were reconsulted in respect of an amended plan, reducing the height of the proposed extension.

2 Objections were received

- Previous objections to be taken into consideration
- Noise and nuisance

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.

u\ Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2016)

- 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 2016)

- 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

Background:

Planning permission for the above development was approved subject to conditions on 6/12/13 via ref.no. F/02217/13. Condition 29 of this approval states;

"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) the buildings hereby permitted shall not be extended in any manner whatsoever without the prior receipt of express specific planning permission in writing from the Local Planning Authority.

Reason:

To ensure that the development does not prejudice the character of the locality, the amenities of future occupiers of the dwellings proposed and the enjoyment by neighbouring occupiers of their properties in accordance with policies CS5, DM01 and DM02 of the Barnet Local Plan."

This condition takes away permitted development rights to give the Local Planning Authority (LPA) the opportunity to control all forms of extension in the interest of the character of the area and to ensure that the amenities of neighbouring residents are not adversely affected by any extension that could otherwise be carried out under permitted development.

It is important to note that this condition does not prohibit applications for extensions being submitted, nor does it dictate the outcome of any such applications. Applications for extensions to these properties will be assessed against the Development Plan and other material considerations in exactly the same way as other house extension and if it is found they comply with policy and there are no other material planning considerations which indicate otherwise then planning permission should be granted.

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

The dwelling has an existing depth of approximately 9.5m, the applicant is proposing to further extend from the rear wall of the dwelling, with a depth of 3m. The proposed extension will be single storey with a crown roof to be reflective of the existing roof forms of the main building and the roofs of the neighbouring properties.

The proposed extension will be in line with the main body of the original building, not projecting to the side and leaving approximately 1.1 metre to the shared boundary fence with adjacent neighbouring property at no.941.

Whilst this is the first extension proposed to a house in this development that does not mean it is unacceptable. The proposed extension is a common form of extension across the borough and is small enough in scale to be considered a proportionate and subordinate addition to the host property. It is considered that it does not detract from the character of the host building, the neighbouring properties and the wider locality.

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

The proposed extension would project 3m in depth, with an eaves height of 2.6m and a maximum height of 3.1m along the common boundary wall of the adjoining property at no.937. It will extend the full width of the rear wall and will be set away from the adjacent neighbouring boundary fence with no.941 by approximately 1.1m.

The Residential Design Guidance SPD states that the depth of single storey rear extensions normally considered acceptable for a terraced property is 3m and should not cause 'a significant sense of enclosure, or loss of outlook from, or light to, principal windows of habitable rooms of neighbouring properties.' The proposed extension would comply with this requirement of Barnet's Residential Design Guidance.

There are no windows proposed to the side elevations and as such there would be no overlooking or loss of privacy to the neighbouring properties to either side.

The rear wall of the host property is set away by approximately 11.9m from the common boundary with neighbouring properties at Highwood Avenue and approximately 26m to the nearest habitable windows of the dwellings on this street.

Barnet's Residential Design Guidance states that "Privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed). In new residential development there should be a minimum distance of about 21m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5m to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications."

The proposed extension would reduce the gap between the extension and the neighbouring boundary to 8.95m. The distance between the rear windows in the proposed extension and neighbouring properties on Highwood Avenue, would be approximately 23m which exceeds the 21m distance referred to in Barnet Residential Design Guidance.

In addition there is an existing wall approximately 1.8m high with trellising 0.9m high above, which measures approximately 2.7m in height separating the host property and the properties on Highwood Avenue which will be retained as required by condition 31 of the original permission. As such it is considered that there is adequate screening between the proposed single storey extension and these neighbouring properties, to mitigate and reduce any detrimental impact, the proposed extension might have in terms of overlooking, loss of privacy.

The proposed extension would be clearly visible from the neighbouring properties no.937 and no.941. With regards to no.937 the proposed extension would be to the west of this property and this combined with the height and depth of the extension is such that there would not be a significant loss of sunlight such as to warrant refusal. The proposed extension would not be overbearing or visually obtrusive, the outlook of no.937 would not be significantly affected.

The application site has a staggered relationship to no.941, with the rear wall of the application property projecting approximately 3m beyond that of no.941. The gap between the flank walls of the two houses is approximately 2.3m. Given this relationship it is not considered that the proposed extension would adversely affect sunlight reaching the rear habitable room windows of no.941, nor would it be overbearing or visually obtrusive such as to affect the outlook from no.941. The presence of a 1.8m high boundary fence together with the extension being set back from this boundary mitigates its impact.

The proposed single storey rear extension would be approximately 8.9m for the sites rear boundary with no.8 and 10 Highwood Avenue to the south. These properties have rear gardens approximately 13.5m deep. It is considered that this relationship is such that, combined with the presence of the existing boundary fence, the proposed extension would have a limited visual impact when viewed from the ground floor rear habitable rooms and gardens of these properties. Whilst the proposed extension would be visible from the upper floor levels of these properties it is not considered that this would result in any loss of visual amenity. The orientation is such that the proposed extension is to the north of these houses in Highwood Avenue, accordingly there would be no loss of sunlight.

Given the size and design of the proposed extension and the relationship between the proposal and the neighbouring properties, it is not considered that this proposed extension would be detrimental to the amenities of the occupants of any neighbouring property, in term of loss of light, loss of privacy and loss of outlook.

It is not considered that the occupation and use of the proposed extension would result in any additional levels of noise and disturbance such as to materially detract from the residential amenities of neighbouring residents such as to warrant refusal.

5.4 Response to Public Consultation

- Wrong Location Plan

It was noted that an incorrect Location Plan was uploaded along with the correct one, this was corrected and neighbouring properties were reconsulted with the correct Location Plan.

- Application site address misleading

The site address is considered to be correct. The site was originally known as Plot 6 located within 931 High Road and has been given a new house number, 939 High Road.

- Consultation should have been extended to more residents

All the relevant neighbouring properties have been consulted. In this instance, being a householder application all neighbouring properties immediately adjoining the host property have been consulted as statutorily required.

- Set precedence

Each planning application is considered on its individual planning merits. The LPA's ability to consider any applications elsewhere would not be fettered by any decision in respect of this current application.

- Parent application confirmed no extensions will be allowed

Whilst Condition 29 of the parent application restricts any extensions to the site without a planning application, it does not prevent the applicant from making an application to the London Planning Authority or if it is considered acceptable when assessed against the development plan and other material considerations being granted planning approval.

- Parent application in breach as it allowed a bay window to one of the houses
The bay window does not relate to this site and does form part of this application. It is not material to the consideration of this application.

- Risk of ground slippage and collapse to our garden and paving
The above concern is a private matter and is not a material planning consideration.

- Validity of the application
The correct form of application has been submitted and it is valid. It is not being considered as a "non material minor amendment". It requires planning permission and is being considered as such.

- Contractual agreement with the developer
This is a private matter between the parties concerned. It does not affect the planning merits of the proposal nor does it fetter the ability of the LPA to determine this planning application. It is not a material planning consideration.

- Intrusiveness / overdevelopment
As stated previously it is not considered that the proposal would be overbearing or visually obtrusive. The small scale nature of the proposal is not considered to be overdevelopment either in its own right or cumulatively as part of the larger development of which the host property forms part.

- Boyer Report should be considered as part of this application
Reference has been made to the "Boyer Report" which was submitted in support of application ref F/02217/13.

The objection comments refer to the planning history of the site and comments "The Boyer report shows why previous applications were refused / withdrawn, including improvements to amenity, privacy and overlooking issues which also meant moving the houses back adding a longer garden. An extension would negate this condition."

The following extracts from the Boyer Report are referred to:-

"4.3 The refused 2009 application is of particular relevance. The application was put forward to Barnet's Members with a recommendation for approval but was refused. This decision, along with discussions referred to below have informed the current design. Key differences between the refused 2009 scheme and the current proposal include:

- o Removal of commercial floorspace from the development, which enables a higher quality of residential amenity to be provided within and adjoining the development.
- o A significant reduction in the number of dwellings and density, with consequent improvements to the quality of internal and external amenity.

Some of the specific scheme alterations that have been made following the 2009 application include:

- o Reduced building heights and more considered building placement and layout to integrate more appropriately with the urban grain, and reduce overbearing and enclosure.
- o Significant reduction in overall number of dwellings, resulting in less pressure from overlooking and loss of privacy.
- o Inclusion of more landscaped open areas within the development which serve to improve outlook over the site from neighbouring properties and act as buffers between residential properties to avoid overlooking and noise impacts.

Privacy

- o Potential overlooking and consequent loss of privacy is a major consideration for neighbouring occupiers and considerable effort has been made to ensure the proposed

development would not cause any unreasonable loss of privacy. Potential harmful overlooking has been addressed primarily through the layout of the proposals (discussed further in the accompanying Design and Access Statement); the matter was thus an integral part of the scheme's design.

o The proposed buildings have been located to ensure that separation distances between facing habitable room windows and balconies significantly exceed 20 metres, and overlooking distances between habitable windows and gardens have also been maximised to minimise loss of garden privacy. Additional measures, including proposed planting and boundary treatments would ensure a high degree of privacy is retained for existing neighbours and provided for new residents."

It must be noted that the Boyer Report has not been submitted as part of this current application for single storey rear extension to the application property. Whilst the comments referred to are noted they were addressing those issues related to the residential redevelopment of the whole site and not this application for a householder extension.

The topic areas referred to namely character, overlooking and loss of privacy are material planning considerations and have been fully considered earlier in this report. As stated above the relationship of the proposed extension to neighbouring properties is such that the amenities of neighbouring residents would not be prejudiced by overlooking or loss of privacy nor would the single storey extension detract from the character and appearance of the host property or the surrounding area.

Concerns raised in respect of overlooking / loss of privacy, character, noise from the proposed extension, loss of light, loss of visual and residential amenity have been addressed previously in this report.

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. Human Rights Act

The Human Rights Act 1998 incorporated provisions of the European Convention on Human Rights (ECHR) into UK law. The general purpose of the act is to protect human rights and fundamental freedoms and to maintain and promote the ideals and values of a democratic society. It sets out the basic rights of every person together with the limitations placed on these rights in order to protect the rights of others and of the wider community.

The articles of the act relevant to planning include Article 6 (Right to a fair and public hearing), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

Officers have considered the proposals against the Human Rights act and do not consider that the proposals would be in breach of this.

8. 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.

Highwood Avenue



High Road

