

<b>Location</b>	<b>11 Primrose Close London N3 2RU</b>	
<b>Reference:</b>	<b>17/0694/HSE</b>	Received: 6th February 2017 Accepted: 10th February 2017
<b>Ward:</b>	Finchley Church End	Expiry 7th April 2017
<b>Applicant:</b>	Mrs M Patel	
<b>Proposal:</b>	A part two storey side extension / part single storey rear extension. (Amended description)	

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

- Drawing No. 11PC/P01 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 The roof of the single storey rear section 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 window(s) on the southern western flank of the two storey section of the side hereby approved facing No. 86 Rosemary Avenue 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 October 2016).

- 6 No development shall take place until the bin store has been relocated to the location shown on Drawing No. 11PC/P01 Rev. C. The bin store shall be permanently retained thereafter and shall be accessible to the residents of Primrose Close in perpetuity.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility and to ensure that waste and recycling facilities are available for residents of Primrose Close; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 7 a) No development shall take place until details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

b) The bin storage area shall be implemented in full accordance with the details as approved under this condition prior to the start of the development and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (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**

**This item was deferred from the meeting in September for further legal advice to be sought regarding bin storage and collection arrangements. This is addressed in the report below. In summary, the bin storage area is for the storage of refuse the day before collection and for its collection. A suggested condition remains that this is provided prior the construction of the extension.**

### **1. Site Description**

The application relates to a two-storey terraced property on Primrose Close; a residential cul-de-sac which lies within the Finchley Church End ward. The application site is a single family dwellinghouse. No. 10 Primrose Close is positioned to the north of the application site and shares a party wall with this property

The application site does not contain a listed building. The property is not listed and does not fall within a designated conservation area. However, given that it is a relatively recent development, the property does not benefit from any Permitted Development rights.

The terrace property on the application site also benefits from a roof extension including creation of rear gable end which was approved application 15/03261/HSE on 28 July 2015.

A single storey rear extension was approved at the application site though application 15/03255/HSE on 5 October 2015. At the time of the office's site visit this rear extension had not been constructed so despite the approval it is not considered to be existing. This approved rear extension projects 3 metres in depth beyond the rear elevation wall of the terrace property. It has a width of 4.8 metres. It has a flat roof with a height of 3 metres.

### **2. Site History**

Reference: 16/5571/HSE

Address: 11 Primrose Close, London, N3 2RU

Proposal: Part two-storey, part first floor side extension.

Decision: Refused.

Decision Date: 18 October 2016

Reason for refusal of 16/5571/HSE:

The proposed extensions would, by reason their siting, size, bulk and design, result in an obtrusive, overly dominant and incongruous addition to the host property, which is harmful to and out of keeping with the character and appearance of the application site, the streetscene and the area more widely. It would result in a development poorly related to the terrace and unbalance it's appearance. The application is therefore found to be unacceptable and contrary to Policy DM01 of the Barnet Development Management Policies DPD (2012), Policy CS5 of the Barnet Core Strategy (2012), Policies 7.4 and 7.6 of the London Plan (2015) and the guidance contained within Barnet's Residential Design Guidance Supplementary Planning Document (2013).

Reference: 15/03255/HSE

Address: 11 Primrose Close, London, N3 2RU

Proposal: Single storey rear extension.

Decision: Approved subject to conditions.

Decision Date: 5 October 2015

Reference: 15/03261/HSE

Address: 11 Primrose Close, London, N3 2RU

Proposal: Roof extension including creation of rear gable end, rear juliette balcony, and 2 no rooflights to front elevation.

Decision: Approved subject to conditions.

Decision Date: 28 July 2015

### **3. Proposal**

A part two storey side extension / part single storey rear extension.

The two storey section of the proposed side extension has a sloped roof with a ridge height of 7.9 metres and an eaves height of 5.4 metres. It has a depth of 4.45 metres and a width of 3.5 metres. It does not project beyond the rear elevation wall of the original property.

The single storey rear section of the proposed side extension also has a width of 7.8 metres. It has a gently sloping roof with an eaves height of 2.8 metres and a maximum height of 3.2 metres. It projects 3 metres beyond the rear elevation wall of the terrace property.

The relocation of the existing bin storage area to the closer to the northern boundary of the application site. The existing bin storage area occupies an area of 6.5 m<sup>2</sup>. The proposed bin storage area will continue to have an area of 6.5 m<sup>2</sup>.

### **4. Public Consultation**

Consultation letters were sent to 21 neighbouring properties on 14/02/2017, 27/06/2017, and 17/08/2017.

10 objections were received in response.

The objections concerned the following issues:

- The bin storage area is in a perfect location and it should not be moved. When the residential development at Primrose Close was constructed it was the original intention of the developers for the bins to be stored in this location and the bin storage area was specifically designed for this purpose.
- Moving the bin storage area would cause health and safety problems with waste falling out of bins and it would encourage rodents.
- The owner of No. 11 Primrose Close does not have sole rights over the residents bin area. The proposal is infringing on land that is not completely owned by the applicant. They cannot take ownership of the bin storage area at this time.
- If the bin storage area is moved it will look unsightly within the streetscene. The proposal does not include a fence to screen the proposed bin store area whereas screen currently exists on site. A screen is required to hide the bins from view within the streetscene.
- Due to its size, bulk, height, position, and bulk, the proposed extension would will look out of place and give an unbalanced look to the rest of Primrose Close. The proposal is not significantly different to the previously refused application.
- The trees to the rear the application site should be preserved and the erection of the extension will prevent this from happening. These trees provide a noise barrier to the

traffic and they help to mitigate against the effects of air pollution so therefore they should not be removed.

- The proposal would cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as result of a loss of daylight/sunlight and a loss of privacy.
- The occupiers of Primrose Close have not been consulted concerning the current application.
- The ground floor window of the proposed extension on the application site is located in close proximity to the proposed bin store which poses a health and safety risk.

## **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 MALP

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.

Policies 3.4; 4.1; 4.4, 7.4, 7.6.

### 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, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM17.

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 (October 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 (October 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**

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.
- The impact on waste and recycling storage in the local area

#### Impact on character

Proposed extensions should appear to be subservient additions to the original terraced property.

Barnet's Residential Design Guidance SPD (October 2016) requires that first floor side extensions should normally be set back 1 metre from the front main wall of the existing house. The first floor section of the proposed side extension had a front flank wall that is set back 3.8 metre from the front elevation wall of the original terrace property so therefore it greatly exceeds this requirement. The highest point of the roof of the proposed two storey side extension is set down 0.5 metres from the roof ridge of the original property.

Barnet's Residential Design Guidance SPD (October 2016) states that side extensions should not be more than half the width of the original house. The main body of the original semi-detached dwellinghouse has a width of 4.8 metres and the proposed side extension has a width of 3 metres, which is 0.6 metres greater than the recommended width. It is considered however, that as the setback from the front elevation wall greatly exceeds requirement and the set down from the roof ridge significant, that on balance the width of the proposed extension is acceptable. The two storey section does not project beyond the rear elevation wall of the existing property.

The single storey section of the extension projects no further beyond the rear elevation wall of the exiting terrace property than the single storey rear extension that was approved through 15/03255/HSE. The proposed single storey section of the extension has a similar height to the rear extension approved through 15/03255/HSE.

The fenestration on the proposed extension is similar in design to the existing fenestration on the terrace property on the application site.

A condition shall be included in the decision notice requiring that the materials used on the proposed extension match the materials used on the original terrace property.

For the reasons stated above it is considered that the proposed extension would not appear incongruous within the application site and nor would it appear overly dominant within the streetscene.

In order for the proposed bin storage area not to have a negative visual impact on the streetscene, a condition shall be included within the decision notice requiring the submission of details of screening for the proposed bin storage area.

#### Impact on neighbour amenity

The overlooking of the of neighbouring and adjoining properties from the windows on the front flank and rear flank walls of the proposed extension is considered to be no worse than the overlooking from the exiting rear elevation and front elevation windows terrace property.

The ground floor side flank window on the proposed two storey section of the extension overlooks No. 86 Rosemary Avenue. To prevent the occupiers of this property from suffering a material loss of amenity as a result of overlooking a condition shall be included in the decision notice requiring that this window is obscure glazed and non-opening.

The two storey section of the side extension is flush with the rear elevation wall of the existing property. The southern side flank wall of the proposed extension is set back 1 metre from the boundary with No. 86 Rosemary Avenue. The proposed single storey rear section of the extension projects no further beyond the rear elevation wall of the terrace property than the single storey rear extension that was approved through 15/03255/HSE and it approximately the same height as this previously approved extension.

Due to its size, height, and position, the proposed extension is not considered to cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of a loss of daylight/sunlight, a loss of outlook, or a loss of privacy and nor are they considered to have an overbearing impact on these properties.

#### Refuse and recycling storage

This dwellinghouse is part of a development of 11 no. properties that was granted planning permission on 4/11/1999 (ref: C00695S). The application site contains a bin storage provision area that is used by all of the 11 no. properties approved under planning application C00695S as a storage and

collection point and the proposed extension in the current application would require a relocation of this bin storage area. There is no condition in the decision notice (ref: C00695S, dated 4/11/1999) concerning this bin storage area and nor is the bin storage depicted on the approved plans for C00695S. The deeds for No. 11 Primrose Close, London, N3 2RU show however, that the occupiers of the other properties on the development can access the bin storage area on the day of collection day and the evening before it

The proposal does not reduce the amount of waste and recycling storage provision on the application site. The proposal is to relocate the bins storage area closer to the public highway so it is considered to be just as accessible to the residents of Primrose Close as it currently is.

The bin store is located on the applicants land and is therefore within the applicant's control. In order to use the bin store, the occupiers/owners of plots 1 to 10 Primrose Close (inclusive) would need to access the applicant's land and they would require the applicant's permission to do so or have an agreement in place regarding use and access to the bin store. These arrangements appear to have been made via the deeds for No. 11 Primrose Close. Although the deeds can be seen as a private matter between neighbours, the siting of refuse storage and management of the same are material planning considerations (due to the Council's adopted policies such as Supplementary Planning Document: Residential Design Guidance) and therefore can be controlled via conditions by the Council as the local planning authority. A condition shall be included in the decision notice requiring the re-location of the bin store prior to implementation of the development.

The Council has sought legal advice on the matter. Legal opinion considers that this condition will firstly provide some reassurance to residents and that the refuse arrangements will continue. Secondly, if the applicant breaches this condition and this is brought to the Council's attention by the neighbours, then the Council's Planning Enforcement team will look into any complaints.

The Refuse Team would have no objection to the modified arrangement with a relocated communal refuse collection point.

As the amount of bin storage and its level of accessibility shall remain the same and details of enclosures to the bin storage area shall be conditioned, it is considered that the proposal will not cause the occupiers of the properties on Primrose Close to suffer a material loss of amenity as a result of environmental health concerns.

## **5.4 Response to Public Consultation**

The following issues have been addressed elsewhere in the report:

- The impact of the proposal on the amenity of neighbouring and adjoining occupiers.
- The impact of the proposal on the character of the application site and the streetscene.
- The impact of the proposal on the existing bin storage area.

Other material considerations:

- The LPA's record show that all of the properties on Primrose Close were sent consultation letters cornering the current application.
- The ground floor window on the proposed extension that faces the bin storage area has been removed from the proposal.
- Due to its set back from the site eastern boundary it is considered that the proposed extension would not cause damage to the mature trees near the application site.
- Notice has been served on the owners/occupiers of Nos. 1 to 10 Primrose Close (inclusive) regarding this application.

## **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 support 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 or the occupiers of the application site. This application is therefore recommended for APPROVAL.

