

**Location**                               **11 Theobalds Avenue London N12 8QG**

**Reference:**                           **17/6412/HSE**                               Received: 10th October 2017  
Accepted: 13th October 2017

Ward:                                       Woodhouse                                       Expiry 8th December 2017

Applicant:                               Mrs Alison Cheung

Proposal:                               Single storey rear and side extension following demolition of existing rear extension

**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:
  - SPP\_00
  - SPP\_01
  - SPP\_02
  - SPP\_03
  - SPP\_04
  - SPP\_05
  - SPP\_06

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).

**Informative(s):**

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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**

The item has been deferred to the 18th January 2018 committee meeting for Members to attend a site visit.

### **1. Site Description**

The application site contains an end of terrace dwellinghouse located on the south side and eastern end of Theobalds Avenue, which is a predominantly residential area. The neighbouring property to the east is no. 23 Fredericks Place and the neighbouring property to the west is no. 10 Theobalds Avenue. The host property is not located within a conservation area, and is not listed.

The host property benefits from a two storey rear outrigger, with the main part of it measuring 3.5 metres in depth with the addition of a single storey rear extension at the end of it measuring 1.6 metres in depth. In its entirety, the outrigger measures 5.1 metres in depth. This single storey rear element will be demolished and replaced by the proposed side and rear extension.

Between the application site and the neighbouring property at no. 23 Fredericks Place there is an access way from the road to the rear of the garden of no. 21 Fredericks Place.

### **2. Site History**

There is no relevant planning history relating to the application site.

No.9 Theobalds Avenue, which has been referred to in the Design and Access Statement and within objection comments, has received approval for a single storey side and rear extension under ref; 16/1397/HSE.

This approval was for the retention of single storey rear and side extension following reduction in height, retention of first floor rear extension. This approval was sought following an enforcement notice served to demolish the unlawful part single part two storey rear extension, dated 8th December 2014 under ref: ENF/01565/14/F.

### **3. Proposal**

This application seeks planning permission for:

Single storey rear and side extension following demolition of existing rear extension.

This L-shaped extension would infill the gap between the rear outrigger and the boundary shared with no. 10 Theobalds Avenue and would wrap around the rear of the remaining two storey outrigger. The extension would measure 2.8 metres in depth from the remaining two storey outrigger and 6.5 metres in depth along the boundary shared with no. 10 Theobalds Avenue. The extension would measure 2 metres to the eaves from the ground floor level at the application site, and have a maximum height of 2.8 metres. The roof of the extension would be pitched away from the boundary with no. 10 Theobalds Avenue and would be flat to the rear of the outrigger.

A gap of 0.5 metres would be maintained between the flank wall of the extension and the boundary shared with the access way serving the rear of no. 21 Fredericks Place.

The proposal includes 3no. rooflights.

#### **4. Public Consultation**

Consultation letters were sent to 8 neighbouring properties, 8 objections were received, along with one comment in support and one representation.

Objections are as follows:

- Concern that inspiration for the proposal has been taken from no.9 Theobald Avenue, which has received an enforcement notice in relation to the rear extension
- Loss of light and overshadowing to neighbouring kitchen, sitting room and study as well as part of the garden area
- Overbearing and visually obtrusive resulting in an unacceptable sense of enclosure.
- Lack of clarity in respect of demolition of existing rear extension
- Out of character
- Concerns over discrepancies between artists impression and proposed plans
- Concern in respect of boundary location and rights of way
- Concern over use of access between host property and no. 23 Frederick Place
- Will set an undesirable precedent for similar extensions in the area
- Too bulky and prominent compared to the size of the host property
- Overlooking and loss of privacy

Representation as follows:

- No objection to the proposal

#### **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 (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 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 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 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.

## **5.3 Assessment of proposals**

#### Impact on Street scene, Existing Building and Character of the Area:

Given the siting of the proposed side and rear extension, it would not be readily visible from the street and thus would not cause a detrimental impact to the character of the street scene.

Barnet's Residential Design Guidance; paragraph 14.21 sets out that single storey rear extensions on terraced properties should not exceed 3 metres in depth. Although the depth of the extension in its entirety being 6.5 metres and exceeding the guidance depth the proposal would line up with the existing rear wall of the neighbouring property at no.10 Theobalds Avenue and is considered to be appropriate in size, and thus would not appear visually obtrusive or overbearing.

The pitched roof of the extension would be sympathetic to the pitched roof of the outrigger. Moreover, the materials used in the construction of the extension would be similar to those used in the construction of the existing dwellinghouse. Therefore, the proposed extension, by virtue of its scale, siting and design, would be considered appropriate and sympathetic to the character of the host property and the surrounding area.

Therefore, the proposed side and rear extension is not considered to detract from neither the character of the host property or the locality.

#### Impact on Neighbouring Amenity:

The neighbouring property at no. 10 Theobalds Avenue to the west of the application site adjoins the host property and both form a part of a terrace. The neighbouring property also benefits from an outrigger and is set down at a slightly lower level. The proposed extension is proposed to be in line with the rear building line at no.10 Theobalds Avenue. Moreover, the roof of the extension would be pitched on the side of the neighbouring property with an eaves height of 2 metres, when measured from the application site, which does not exceed the height of the existing fence. Given that the extension would not extend beyond the rear wall of the neighbouring outrigger and that the eaves height of the extension would not exceed the height of the existing fence, it is not considered that the proposal would cause significant adverse impact to the amenity of the neighbouring residents at no. 10 Theobalds Avenue, in terms of loss of light or outlook, or appear overbearing when viewed from the neighbouring side.

The proposal includes 3no. rooflights at a height of 1.9 metres from the internal floor level facing the neighbouring property at no.10. The neighbouring property features one obscure glazed window to the side elevation which would face the proposed rooflights, therefore, given the siting of windows on the neighbouring property and the siting of the rooflights and the height at which the rooflights will be located, it is not considered that the privacy of either the neighbouring residents or the residents of the host property would be compromised, as there wouldn't be a visible view into or out from the rooflights.

The neighbouring property on the other side of the host property is no. 23 Frederick Place. The rear of this property is staggered and is sited in a way that the rear of the neighbouring property would be set back from the rear of the extension by a length of approximately 6 metres. Furthermore, the flank wall of the proposed extension would be set back from the neighbouring boundary by approximately 1.8 metres. Therefore, due to the spatial relationship between the host property and the neighbouring property, along with dense vegetation which lines the boundary between these properties, it is considered

that the proposal would not cause any significant impact to the amenity of these neighbouring residents, in terms of loss of light or outlook.

Taking all of the above into account, it is not considered that the proposed extension by virtue of its size and siting, would cause harmful impact to neighbouring amenity in terms of loss of light, outlook, privacy or appear overbearing.

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

-Concern that inspiration for the proposal has been taken from no.9 Theobald Avenue, which has received an enforcement notice in relation to the rear extension:

It has been noted that the rear extension at no.9 Theobald Avenue has been investigated by planning enforcement. Regardless of the current state of the extension at this site, the Design and Access Statements stated that the proposal at the host property will draw inspiration from the approved plans at no.9 Theobald Avenue under reference; 16/1397/HSE. The proposal at no. 11 Theobalds Avenue is similar in that the eaves of the side extension will be pitched away from the boundary. Ultimately, each application is assessed on its own merits.

-Loss of light and overshadowing to neighbouring kitchen, sitting room and study as well as part of the garden area:

Addressed in appraisal.

-Overbearing and visually obtrusive resulting in an unacceptable sense of enclosure:

Addressed in appraisal.

-Lack of clarity in respect of demolition of existing rear extension:

The existing property benefits from a previous rear extension to the rear of the outrigger. The proposal shows that this will be demolished and replaced by the proposed side and rear extension.

-Out of character:

Addressed in appraisal.

-Concerns over discrepancies between artists impression and proposed plans:

The placard attached to the front gate of the property does not relate to the proposal at the host property, but is rather an advertisement for the architects.

-Concern in respect of boundary location and rights of way:

Not a material planning consideration.

-Will set an undesirable precedent for similar extensions in the area:

Each application is assessed on its own merits.

-Too bulky and prominent compared to the size of the host property:

Addressed in appraisal

-Overlooking and loss of privacy:

Addressed in appraisal.

## **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 extensions 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 a significant adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



