

Location **185 Edgwarebury Lane Edgware HA8 8QJ**

Reference: **17/7882/HSE** Received: 13th December 2017
Accepted: 15th December 2017

Ward: Edgware Expiry 9th February 2018

Applicant: Ms Danielle Ovadia

Proposal: Single storey rear extension

Recommendation: Refuse

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 proposed extension by reason of its bulk, size and scale result in an incongruous form of development which would fail to appear subordinate, proportionate or sympathetic to the original dwelling house, to the detriment to the character and appearance of the host property and surrounding area. In this regard, the proposal is considered unacceptable and fails to comply with policy DM01 of the Development Management Policies DPD, Policies CS1 and CS5 of the Barnet Core Strategy and the Barnet Adopted Residential Design Guidance SPD (April 2013).
- 2 The proposed single storey rear extension by reason of its siting, size, rearward projection and relationship with the neighbouring property, would result in visually obtrusive form of development detrimental to the visual amenities of neighbouring occupants at no.183 Edgwarebury Lane. This is contrary to policy CS5 of the Local Plan Core Strategy (Adopted September 2012), policy DM01 of the Local Plan Development Management Policies DPD (2012) and the Residential Design Guide SPD (Adopted October 2016).

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.

- 2 The plans accompanying this application are:

The site location plan

Proposed site location plan (received 6/2/18)

Drawing DM/3344/2.1 Existing First floor plan (excluding Proposed first floor plan, amended as below)

Drawing DM3344/2.2 Proposed first floor plan (Received 8/2/2018)

Drawing DM/3344/3 Existing and proposed roof plans and rear elevation

Drawing DM/3344/4.1 Existing and proposed Side elevations

Drawing DM/3344/5 Existing and Proposed Section and Front elevations

Officer's Assessment

1. Site Description

This site is occupied by a two-storey detached property, and is located on the west side of Edgwarebury Lane in Edgware. The area is predominantly residential and characterised by detached properties in a suburban setting. The site is not within a conservation area and does not contain any listed buildings.

The host dwelling is noted to already benefit from a two storey side extension and part single, part two storey rear extension, with consent ref W16123A/08 dated 28 April 2008.

In terms of ground level, properties along Edgware Lane are noted step up in relation to each other towards the north, with the host site sitting higher than no.183 and lower than no.189. Neighbours to both sides are noted to benefit from proportionate and subordinate rear extensions.

2. Site History

2.1 Host site

Reference: 17/7968/PNH

Address: 185 Edgwarebury Lane, Edgware, HA8 8QJ

Decision: Prior Approval Required and Refused

Decision Date: 22 December 2017

Description: Single storey rear extension with a proposed depth of 8 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reasons for refusal: Proposed single storey rear extension would extend beyond a side wall and would be over half the width of the original house. The proposals would therefore not be lawful under Class A, A.1 (j).

2) The application does not contain a block plan showing the existing extensions that benefits the host property as required.

Reference: 17/7669/PNH

Address: 185 Edgwarebury Lane, Edgware, HA8 8QJ

Decision: Prior Approval Required and Refused

Decision Date: 8 December 2017

Description: Single storey rear extension with a proposed depth of 8 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reasons for refusal: 1) The proposed single storey rear extension would extend beyond an extended side wall at first floor and would be over half the width of the original house, therefore forming a side and rear extension. The proposals would therefore not be lawful under Class A, A.1 (j).

2) The application does not contain a site location plan showing the proposed development in relation to the adjoining properties.

Reference: W16123A/08

Address: 185 Edgwarebury Lane, Edgware, HA8 8QJ

Decision: Approved subject to conditions

Decision Date: 28 April 2008

Description: Amendment to planning permission reference W16123/07 dated 16-01-08 for two storey side extension and part single, part two storey rear extension (amendment to include increase in size of extensions).

Reference: W16123/07

Address: 185 Edgwarebury Lane, Edgware, HA8 8QJ

Decision: Approved subject to conditions

Decision Date: 16 January 2008

Description: Two storey side extension. Part single, part two storey rear extension.

2.2 No.183 Edgwarebury Lane Site History

Reference: W12274C/04

Address: 183 Edgwarebury Lane, Edgware, HA8 8QJ

Decision: Approved subject to conditions

Decision Date: 08 February 2005

Description: Formation of side and rear dormer windows to facilitate loft conversion.

Reference: W12274B/02

Address: 183 Edgwarebury Lane, Edgware, HA8 8QJ

Decision: Approved subject to conditions

Decision Date: 25 April 2002

Description: Single storey rear extension.

Reference: W12274A/01

Address: 183 Edgwarebury Lane, Edgware, HA8 8QJ

Decision: Approved subject to conditions

Decision Date: 6 September 2001

Description: Two storey side extension and single storey front and rear extension.

Officer note: Two storey side extension and single storey front and rear extensions appear to be built out. The single storey rear measures approximately 3.5 metres from the original rear wall at this dwelling.

Reference: W12274/00

Address: 183 Edgwarebury Lane, Edgware, HA8 8QJ

Decision: Refused

Decision Date: 26 September 2000

Description: Demolition of side extension and construction of two-storey side and single-storey front and rear extensions.

2.3 No.189 Edgwarebury Lane Site History

Reference: H/01707/09

Address: 189 Edgwarebury Lane, Edgware, HA8 8QJ

Decision: Approved subject to conditions

Decision Date: 23 December 2009

Description: Ground floor side and rear extension. First floor side and rear extension. Alterations to roof including extension to ridge line and rear dormer windows.

Officer note: this permission was not implemented.

Reference: H/00498/08

Address: 189 Edgwarebury Lane, Edgware, HA8 8QJ

Decision: Refused

Decision Date: 22 May 2008

Description: Two storey side and rear extension, and loft conversion involving raising height of roof with rear dormer and side roof lights.

3. Proposal

The application seeks permission to erect a single storey rear extension. The proposal would adjoin an existing two storey side extension and part single, part two storey rear extension.

Revised plans were submitted by the applicant that reduced the width of the proposal.

The revised proposal would extend from the extended wall by a depth of 4 metres and a width of 4.8 metres. The proposed addition would stand to an eaves height of 2.7 metres and a maximum height of 3 metres. The proposal would be sited towards the common boundary with no.183 Edgwarebury Lane.

4. Consultation

Public consultation

Consultation letters were sent to 2 neighbouring properties.

2 representations were received within the statutory consultation period, comprising 2 objections.

The representations can be summarised as follows:-

- Concern proposal will affect the light coming into both neighbouring properties
- Host dwelling has already had a rear and wrap around done
- The proposed extra 4m on the back of the infill does not follow any planning guideline.
- The scale of the extension in terms of depth and height will have a material impact on light in a neighbouring property kitchen and rear sitting room.
- The path of the sun will also mean that later in the day there will be shading issues which will also impact the level of light further to the sitting room and the kitchen.
- Light impact exacerbated as host property is set higher than neighbouring property

Committee call-in

Councillor Brian Gordon called the item in to Committee. The stated planning reason for call-in was that in the view of the Councillor that the proposed development would be compliant with the relevant adopted Local Plan policies and Supplementary Planning Document: Residential Planning Guidance and would not generate harm to residential amenity.

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.

Draft Mayor's London Plan

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

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 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 SPD (adopted 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.

Context of the site and surroundings

Neighbouring properties to either side are noted to benefit from rear extensions which are considered proportionate and subordinate. There is no established pattern of large rear extensions along this part of Edwarebury Lane.

The neighbour to the north at no.189 is a detached property and noted to benefit from a rear conservatory. This neighbour is built up to the common boundary with the host dwelling.

The neighbouring detached property to the south, no.183, is noted to be previously extended with a two storey side extension and single storey front and rear extension (ref W12274A/01 dated 03.08.2001). An additional consent was later granted for a single storey rear extension (ref W12274B/02 dated 25.04.2002), although aerial photography and LPA maps indicate the total ground floor extension as built projects around 3.5 metres in depth from the original rear wall. This neighbouring property also benefits from side and rear dormer windows (ref W12274C/04 dated 08.02.2005). This extension differs in that it extends from the original rear wall and therefore the impact of its bulk and siting would be considered acceptable, whereas the present proposal seeks to extend from the in-situ extension and beyond the depth ordinarily considered acceptable. Other additions to this property are to the side and to the front and, with benefit of planning consent, have been assessed as acceptable in impact to the character and appearance of property.

Impact to the character and appearance of the existing building, the street scene and the wider locality

Any scheme for this site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of the development plan policies including DM01, and CS05 of the Barnet Local Plan (2012) and policies 7.4 and 7.6 of the London Plan (2016).

The host dwelling is noted to already benefit from a two storey side extension and part single, part two storey rear extension, with consent ref W16123A/08 dated 28 April 2008. The in-situ extension projects a maximum depth of 3.5 metres from the original rear wall by a width of 4.8 metres, sited towards the common boundary with its southern neighbour at no.183.

This application seeks permission for a rear extension which would adjoin the in-situ two storey side extension and part single, part two storey rear extension. The proposed addition to the rear would project a further depth of 4 metres, measure 4.8 metres in width and with a flat roof to an eaves 2.7 and have a maximum height of 3 metres. Therefore the total depth of the projection at ground floor would be 7.5 metres from the original rear wall.

At paragraph 14.3, the adopted Residential Design Guide SPD (2016) states that "there is a limit to how much most houses can be extended. The cumulative effect of extensions and their impact on the appearance of an area should also be taken into account. This means that proposed additions, which meet all the guidelines included in this SPD, may still be considered unacceptable and be refused planning permission."

At paragraph 14.8, the SPD clarifies that it is the original building which is the basis of assessment with regard to extension of dwellinghouses. It states that "proposed extensions should be consistent with the form, scale and architectural style of the original building, particularly where it is a period or suburban property." In terms of scale, the guidance reiterates that "the extension should normally be subordinate to the original house" and that "the extension should respect the original building and should not be overly-dominant." The adopted SPD further states that a rear extension is usually acceptable at a depth of 4 metres for a detached property.

In this case, the property has previously been extended and the addition would amount to a total projection of 7.5 metres from the original rear wall. The proposed projection is near double the acceptable depth of the SPD guidance. The original dwelling had a depth of approximately 8 metres, whereas with the addition of the proposal the ground floor depth would amount to a maximum of 15.5 metres, which is not considered to be subordinate or proportionate to the original size and scale of the host dwelling. In terms of bulk, the proposed addition of a 4 metre addition to the extended rear wall, at a height of 3 metres fails would appear prominent when viewed from the surrounding rear garden areas and it is considered unsympathetic to the layout of the original dwellinghouse.

The property was originally sited forward of its southern neighbour at no.183 and the proposed extension would have a cumulative projection approximately 6 metres beyond the rear-most wall at this neighbouring property. Therefore it is considered that the cumulative effect of extensions to the host dwelling as a result of the proposal would be incongruous with character and appearance of the original house and the surrounding area. It is considered that, when taken together with the previous extensions, a projection to this depth would not accord with the original form and scale of the host dwelling.

For the reasons discussed above, the proposal is considered to be at odds with the objectives of the relevant planning policy DM01, failing to relate appropriately to the sites

context and to respect the character of the area. In addition the proposal is considered to be contrary to the guidance contained in the adopted SPD, the Residential Design Guide (2016) in terms of depth of the rear extension.

Impact on the living conditions of neighbouring residents

Any scheme for this site should address the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

In terms of ground level, properties along Edgware Lane are noted to step up in relation to each other towards the north, with the host site sitting higher than no.183 and lower than no.189.

In respect of no.189, the revised proposal has reduced the width to such an extent that there would be no added bulk near the common boundary with these neighbours. It is therefore not considered that the proposal would give rise to any harmful amenity impact in terms of loss of light to windows of habitable rooms, nor increased sense of overbearing or enclosure to these neighbouring occupiers.

The proposal would project 4 metres from the extended rear wall of the host dwelling, resulting in an exposed flank wall depth of 5 metres, sited approximately 1.5 metres from the common boundary with no.183. This would maintain the separation distance of some 2.6 metres between the established flank walls of the dwellings, consequently this would not be considered to lead to unacceptable loss of light to habitable rooms there. Whilst the proposed 4 metre exposed flank depth would appear to be technically acceptable in terms of the Residential Design Guide 2016, it is noted that this assumes the relationship is between unextended properties. It is therefore considered that the added bulk of the proposed would be unacceptable in terms of its impact to the visual amenities of neighbouring occupiers at no.189. It is further noted that this property sits at a lower ground level than the host dwelling. It is considered the proposal would appear overbearing when viewed from the neighbouring garden and would contribute to reduced outlook to windows of habitable rooms there.

It is considered that the revised proposal would lead to harm to the amenity of neighbouring occupiers at no.183. The proposal is not considered to have adequate regard to all neighbouring occupiers and to not comply with Policy DM01 in this respect.

5.4 Response to Public Consultation

The public consultation response comprised two objections. It is noted that the proposal has been revised, with the scale of the proposal reduced during the life of the application and the comments were received before the plans were amended.

The objections raised the following points:-

- Host dwelling has already had a rear and wrap around done

Officer comment: The history of the site and the relationship of the proposal to previous additions have been considered in the main body of the report. The property is noted to be previously extended by way of a two storey side extension and part single, part two storey rear extension.

- The proposed extra 4m on the back of the infill does not follow any planning guideline.

Officer comment: The proposal has been assessed against the relevant local development plan policy in the main body of the report. The usual permitted depth for a rear extension is

4 metres from the original rear wall for a detached property, however it is noted that the property is previously extended and so the total depth from the rear wall exceeds this guidance.

- Concern proposal will affect the light coming into both neighbouring properties. The scale of the extension in terms of depth and height will have a material impact on light in a neighbouring property kitchen and rear sitting room. The path of the sun will also mean that later in the day there will be shading issues which will also impact the level of light further to the sitting room and the kitchen. Light impact exacerbated as host property is set higher than neighbouring property

Officer comment: Impact on the amenity of neighbouring occupiers has been considered in the main body of the report. It is noted that the proposal has been revised, with the scale of the proposal reduced during the life of the application and the comments were received before the plans were amended.

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 the proposed development would have an unacceptable impact on the character and appearance of the application site, the surrounding garden areas and the locality. In addition, there would be an adverse impact on the visual amenity of neighbouring occupiers at no.183 Edgwarebury Lane. This application is therefore recommended for refusal.

8. Without prejudice -- Conditions in the event that an appeal will be allowed

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

The site location plan

Proposed site location plan (received 6/2/18)

Drawing DM/3344/2.1 Existing First floor plan (excluding Proposed first floor plan, amended as below)

Drawing DM3344/2.2 Proposed first floor plan (Received 8/2/2018)

Drawing DM/3344/3 Existing and proposed roof plans and rear elevation

Drawing DM/3344/4.1 Existing and proposed Side elevations

Drawing DM/3344/5 Existing and Proposed Section and Front elevations

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).

SITE LOCATION PLAN
AREA 2 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 519144, 193253

