

**LOCATION:** 62 The Grove, Edgware, Middx, HA8 9QB  
**REFERENCE:** H/00223/12 **Received:** 18 January 2012  
**WARD(S):** Edgware **Accepted:** 16 February 2012  
**Expiry:** 12 April 2012  
**Final Revisions:**

**APPLICANT:** Rabbi Z Leberman  
**PROPOSAL:** Creation of basement and associated insertion of lightwell.  
Single storey rear extension. Single storey side extension and extension to front porch previously approved.amendment to planning permission H/00980/10)

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan, 62/10, 1135-301K, 1135-302K, 1135-303J.  
Reason:  
For the avoidance of doubt and in the interests of proper planning.
- 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) unless otherwise agreed in writing by the local planning authority.  
Reason:  
To safeguard the visual amenities of the building and the surrounding area.
- 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, without the benefit of the grant of further specific permission in writing from the Local Planning Authority.  
Reason:  
To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking.
- 5 The use of the extensions and basement hereby permitted shall at all times be ancillary to and occupied in conjunction with the use of the property as a single family dwellinghouse.  
Reason:  
To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties.

**INFORMATIVE(S):**

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
  - i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (UDP) (2006).  
In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1 (Character), GBEnv2, D1, D2 (Built Environment / Character), D5, and H27 (Extensions to Houses and Detached Buildings), and:

Core Strategy (Examination in Public version) 2012:  
Relevant policies: CS NPPF, CS1, CS5

Development Management Policies (Examination in Public version)2012:  
Relevant Policies: DM01, DM2,

- ii) The proposal is acceptable for the following reason(s): - The proposals would have an acceptable impact on neighbouring visual and residential amenity, the character and appearance of the streetscene and general locality and local flood risk.
- 2 The applicant is requested to ensure that sound insulation is provided in the property and extensions which is greater than that required under the Building Regulations, to minimise noise disturbance to the occupiers of the neighbouring property.
  - 3 The applicant is advised that prior written consent is required from the Environment Agency for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of Broadfields Ditch.

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework

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 Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The London Plan is recognised in the NPPF as part of the development plan.

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."

NPPF retains 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 July 2011:

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.

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.

#### Relevant Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction “saving” 183 of the 234 policies within the UDP.

Relevant policies to this case: GBEnv1, GBEnv2, D1, D2, D5 & H27.

#### Design Guidance Note No 5 – Extensions to Houses

The Council Guide ‘Extension to Houses’ was approved by the Planning and Environment Committee (The Local Planning Authority) on March 2010. This leaflet in the form of a supplementary planning guidance (SPG) 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.

Included advice 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.

In respect to amenity, the extension should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook and be overbearing or cause an increased sense of enclosure to adjoining properties.

The basic principles the Local Authority has adopted in respect to different types developments are that they should not unduly reduce light or outlook from neighbouring windows to habitable rooms, overshadow or create an unacceptable sense of enclosure to neighbouring gardens. They should not look out of place, overbearing or bulky from surrounding areas.

The Council has also adopted (June 2007), following public consultation, a Supplementary Planning Document “Sustainable Design and Construction”. The SPD provides detailed guidance that supplements policies in the Unitary Development Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

#### Core Strategy (Examination in Public version) 2012

Barnet’s emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents

(DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy sets the vision, core objectives and strategic policies for Barnet. Barnet's Local Plan is at an advanced stage following submission in August / September 2011. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS NPPF, CS1, CS5.

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01, DM02.

Relevant Planning History:

#### **Planning applications picked up in spatial search**

**Site Address:** 62 The Grove, Edgware, Middx, HA8 9QB  
**Application Number:** 02846/09  
**Application Type:** Section 192  
**Decision:** Lawful Development  
**Decision Date:** 22/10/2009  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of side and rear ground floor extension.**  
**Case Officer:** Graham Robinson

**Site Address:** 62 The Grove, Edgware, Middx, HA8 9QB  
**Application Number:** 00980/10  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 24/06/2010  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Single storey rear extension. Conversion of garage to habitable room.**  
**Case Officer:** Graham Robinson

**Site Address:** 62 The Grove, Edgware, Middx, HA8 9QB  
**Application Number:** 04698/08  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 07/04/2009  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Single storey side and rear extension, conversion of garage to habitable room. Part first floor rear extension and front porch.**  
**Case Officer:** Graham Robinson

### Consultations and Views Expressed:

Neighbours Consulted: 29                      Replies: 21

Neighbours Wishing To Speak 4

10 Objections were received.

The objections raised may be summarised as follows:

- Overdevelopment of the site, property has already been extended
- Proposed front/side study would impact neighbours through noise/disturbance from visitors
- Rear basement would extend a great distance from the rear of the property and would result in loss of privacy
- Flooding as a result of the new basement - Area has high clay content
- Loft conversion is large and overbearing
- Drainage - proposals seem to use excessive amount
- Soundproofing should be provided
- Impact on parking and traffic
- Increase in living space is excessive
- There are already large gatherings at the site property, property would be used for religious prayer and learning
- Plans state that ground floor side and rear extensions already have permission through application H/02846/09 but this is not the case as the side extension didn't form part of that application. Plans show many differences to that application
- Front door now shown on side extension (would allow separate entrance to extensions)
- 2m high fence on boundary would be higher than that when seen from adjoining garden

11 Letters of support were received and can be summarised as follows:

Property is no larger than any others in the area, applicant is well respected and a good neighbour

One anonymous letter was received advising of concerns that the premises would be used for religious prayer and learning .

### Internal /Other Consultations:

- Environment Agency - No comments to make, refer to standing advice.

### Date of Site Notice:

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The site property is a two-storey detached dwelling that has been extended previously by means of loft conversion. The property is sited on the east side of the Grove in a predominantly residential area.

The area is characterised by a mixture of semi-detached , and detached single and two storey dwellings.

The neighbouring property no.60 The Grove has been previously extended to the rear on the side of the property nearest the application site. There is an existing garage on the side of the property nearest no.64.

### Proposal:

The proposals are an amendment to the approved planning application under reference H/00980/10 for single storey rear extension and conversion to habitable room.

The proposals include the construction of a basement under the footprint of the main dwelling and approved single storey rear extension. This would include the creation of a lightwell of 3m depth to the rear with stairs to either side.

The plans show a side extension outlined and annotated as previously consented as permitted development. Whilst it may be that the side extension constructed on its own would be permitted development it forms part of the proposals as a whole and therefore must be considered.

### Planning Considerations:

The main issue in this case are considered to be covered under three main areas:

- · The living conditions of neighbouring residents;
- · Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal.
- Whether the proposals would harmfully increase flood risk

General Policy GBEnv1 aims to maintain and improve the character and quality of the environment.

Policies D1 and D2 aims to ensure compatibility with the established character and architectural identity of existing and adjoining properties and the general location in terms of scale, design and impact on neighbouring properties. Established local character and townscape quality can be harmed by insensitive development, which is out of scale with and unrelated to the locality.

Part of policy D5 requires new development to safeguard outlook and light of neighbouring residential occupiers

Policy H27 states that extensions to houses should harmonise existing and neighbouring properties, maintain the appearance of the streetscene and have no significant adverse effect on the amenity of neighbouring occupiers. They should be in keeping with the scale, proportion, design and materials of existing and neighbouring houses.

The Council's Supplementary Design Guidance on Extensions to Houses states that 'The council recognises the benefits of providing basement accommodation but is concerned to ensure that such development does not harm the established architectural character of buildings and surrounding areas, including gardens and nearby trees, and that no adverse impact is caused to the amenity of neighbouring properties.

Often with basement development, the only visual manifestations are light wells and skylights, with the bulk of the development concealed wholly underground and away from any public view. The council will normally allow single floor basement extensions which do not project further than 3 metres from the rear wall of a house or more than half its width beyond each side elevation. The following points should be considered for basement extensions-

- Nearby trees roots on or adjoining the site should not be damaged.
- Not more than 50% of the amenity space (garden or front court yard) should be removed.
- Neighbouring ground water conditions should not be adversely affected.

Any exposed area of basement should be subordinate to the property being extended and respect its original design and proportions. The length of any visible basement wall should not dominate a property nor extend its full width. In number, form, scale and panel size, basement windows should relate to the façade above. They should be aligned to any openings at the higher level and be of a size that is clearly subordinate to these so as to respect the character of the original building.

Light-wells at the front need to appear as discreet interventions that do not harm the character or appearance of the building and its frontage. In situations where light-wells are not part of the established street scene, the nature of the front garden will help to determine their suitability. Where the depth of a front garden is sufficient, basement light-wells are more easily concealed by landscaping and boundary treatments providing a visual buffer from the street. In such circumstances light-wells that are sensitivity designed may be acceptable, subject to other design requirements. Railings, grilles and other light-well treatments must avoid creating visual clutter and detracting from an existing front boundary wall, or obscuring front windows. This is particularly important in shallow gardens where front light-wells should be secured by a grille which sits flush with the natural ground level, rather than with the use of railings. Railings will be considered acceptable where they form part of the established street scene, or would not cause harm to the appearance of the property and neighbouring area.

All rooms within a basement should be able to function properly for the purpose intended. They should be of an adequate size and shape and receive natural lighting and ventilation. All habitable rooms within basement accommodation should have minimum headroom of 2.3 metres.

Forecourt parking arrangements should be considered carefully as light to basement

windows can be severely restricted.'

*The living conditions of neighbouring residents:*

The proposed rear extension itself is the same as previously approved. Given that no relevant factors have changed it is considered that this would have an acceptable impact on neighbouring occupiers.

The proposed side extension whilst forming part of the proposals itself could be constructed under 'permitted development'. It is therefore considered that it would not be reasonable to refuse permission for this part of the proposal.

The proposed basement would be lit by a lightwell to the rear of the property. There is a fence of approximately 2m height to either side of the site property and levels decrease into the rear garden. It is noted that there are stairs to either side of the basement. These have been designed in such a way that residents using the basement would not have views into neighbouring gardens. It is not considered that the living conditions of neighbouring residents would be harmed.

The applicant has indicated that the basement would be used for a family room. Given the size of this area it is considered that a condition should be attached to ensure that it is only used for purposes incidental to the main dwelling, in order to prevent it being used for other purposes that could harm neighbouring amenity.

*Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal.*

The proposed basement would be visible from the rear garden of the site property and from the first floor windows of neighbouring properties. It is not considered that the basement and lightwell would be materially harmful to the character and appearance of the general locality.

The extension to the front porch is considered acceptable in terms of its impact on the character and appearance of the streetscene. There are a number of similar porches in the locality, most notably at no.64, no.58, no.50 and no.48. These houses vary in their design, and it is not considered that the proposed porch could be considered harmful given the mixed character of the area.

It is noted that a proposed side extension has previously been granted a certificate of lawfulness. It is not considered that the proposed side extension would have a harmful impact on the character of the streetscene and general locality, given that there are a mixture of designs in the locality.

It is noted that the Council's SPG on Extensions to Houses states that new basements should not extend more than 3m from the rear wall of the dwelling. However in this case, given the lack of identifiable harm, it is not considered that the refusal of this feature could be justified.

*Whether the proposals would harmfully increase flood risk*

The rear part of the garden of the site property is located within Flood Zone 3. The Environment Agency have advised that the proposals fall within their standing advice which states that due to the risk of rapid inundation by floodwater basements should be avoided in areas at risk of flooding. However, given that only a very small part of



the lightwell falls within the flood risk area it is not considered that the proposals would materially increase flood risk. Furthermore the applicant has contacted the Environment Agency and they have confirmed no record of flooding from rivers at the site.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Overdevelopment of the site, property has already been extended - *It is noted that the property has previously been extended and approval for extensions has previously been granted. However it is considered that the current changes would not harmfully impact the character of the wider area.*

Proposed front/side study would impact neighbours through noise/disturbance from visitors - *It is not considered that this would harmfully impact neighbouring residents providing that the property remains in use as a single dwelling.*

Rear basement would extend a great distance from the rear of the property and would result in loss of privacy - *The size of the lightwell has been reduced by a metre. Given the screening to either boundary the impact on neighbouring amenity is considered acceptable.*

Flooding as a result of the new basement - Area has high clay content - *It is considered that the impact on flooding would not be material*

Loft conversion is large and overbearing - *This has been present for over 4 years and is therefore lawful in planning terms.*

Drainage - proposals seem to use excessive amount - *This is primarily a building regulations matter.*

Soundproofing should be provided - *The applicant would need to comply with building regulations.*

Impact on parking and traffic - *It is not considered that extensions to a dwelling would materially increase parking stress or traffic within the locality.*

Increase in living space is excessive - *The applicant has indicated that the extensions are for domestic use and the Local Planning Authority cannot assume this will not be the case. A condition is attached to ensure that the extensions are only used for these purposes.*

There are already large gatherings at the site property, property would be used for religious prayer and learning. - *Any change of use to this purpose would require planning permission in its own right. Such use should be referred to the Council's Planning Enforcement Team to investigate. Whilst complaints previously have been made the property at the time of site visit appeared to be used as a single family dwelling.*

Plans state that ground floor side and rear extensions already have permission through application H/02846/09 but this is not the case as the side extension didn't

form part of that application. Plans show many differences to that application - *The application being considered comprises all the elements shown on the drawings and included in the description of development. The fact that aspects of the proposals may already benefit from permission is however a material planning consideration.*

Front door now shown on side extension (would allow separate entrance to extensions) - *update to be given at the meeting.*

2m high fence on boundary would be higher than that when seen from adjoining garden - *not considered to result in any significant impact on amenities of neighbouring residents.*

#### **4. EQUALITIES AND DIVERSITY ISSUES**

The proposals are for extensions to a single family dwelling to provide additional living accommodation. The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

#### **5. CONCLUSION**

The application is recommended for **APPROVAL**.

**SITE LOCATION PLAN: 62 The Grove, Edgware, Middx, HA8 9QB**

**REFERENCE: H/00223/12**



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