

Location **39 Nethercourt Avenue London N3 1PS**

Reference: **18/1507/HSE** Received: 8th March 2018
Accepted: 9th March 2018

Ward: West Finchley Expiry 4th May 2018

Applicant: Mr Omer Dansky

Proposal: Part single, part-two storey 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:
 - Site Location Plan
 - M-100 Revision 1
 - M-101 Revision 1
 - M-102 Revision 1
 - M-104 Revision 2
 - M-105 Revision 2
 - M-106 Revision 2

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).

- 5 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevations, of the extension hereby approved, facing no. 37 and no. 41 Nethercourt Avenue.

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).

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. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

The application site contains a semi-detached dwellinghouse located on the south-west side of Nethercourt Avenue, which is a predominantly residential area. The property is not located within a conservation area, and is not listed.

2. Site History

Reference: 17/7393/PNH

Address: 39 Nethercourt Avenue, London, N3 1PS

Decision: Prior Approval Not Required

Decision Date: 21 December 2017

Description: Single storey rear extension with a proposed depth of 4m, eaves height of 2.7m and maximum height of 3.6m

Reference: 17/7416/192

Address: 39 Nethercourt Avenue, London, N3 1PS

Decision: Lawful

Decision Date: 30 November 2017

Description: Single storey rear extension and new front porch. Extension to roof including hip to gable end, rear dormer window, 3no roof lights to front elevation and gable window to side elevation. Insertion of windows at ground floor level

Reference: 18/0891/192

Address: 39 Nethercourt Avenue, London, N3 1PS

Decision: Lawful

Decision Date: 12 February 2018

Description: Single storey rear extension. New front porch with pitched roof. Extension to roof including hip to gable end, with 1no rear dormer and 3no rooflights to front elevation. Associated alterations to fenestration

3. Proposal

This application seeks planning permission for:

Part single, part-two storey rear extension.

The proposed ground floor rear element would measure 4 metres in depth, taking full width of the property and measuring 2.7 metres in height to the eaves, with a maximum height of 3.6 metres. It has been noted that prior approval was not required for a single storey rear extension with a proposed depth of 4m, eaves height of 2.7m and maximum height of 3.6m. It was found during the site visit that this element of the proposed scheme has been largely implemented.

The proposed first floor rear extension would measure 2 metres in depth and 3 metres in width. This element would be sited on the side which neighbours with no. 41 and would be set away from the neighbouring boundary with no. 37 by 3 metres.

4. Public Consultation

Consultation letters were sent to 9 neighbouring properties, 6 objections have been received, including an objection from the West Finchley Residents Association. The objections can be summarised as follows:

- Proposal does not comply with Barnet's Residential Design Guidance
- Overdevelopment of the site which would create undesired precedent for future proposals.
- Out of character and out of proportion with the existing building and surrounding area.
- Impact to neighbouring amenity in terms of appearing overbearing, creating a loss of light and a sense of enclosure.

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:

Barnet's Residential Design Guidance; paragraph 14.21 sets out that single storey rear extensions on semi-detached properties should not normally exceed 3.5 metres in depth which in this case it would. Although the proposed ground floor element of the scheme would exceed Barnet's Residential Design Guidance, it has been noted that this element has not required prior approval under the larger home extension scheme, and has been largely implemented at the time of the site visit. Therefore, this element of the proposed scheme is considered acceptable, given the fall-back position of it being implemented under permitted development.

Paragraph 14.23 sets out that first floor rear extensions which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth are not normally acceptable. Given the scale of the proposed first floor rear extension and that it would comply with the guidance set out above, it is not considered that it would cause detrimental impact to the character of the host property, given that it would be an

appropriate addition that would appear sympathetic to the host property, in terms of its scale and design.

It has been noted that first floor rear extensions are not characteristic of the surrounding area, however, given the appropriate scale of the proposed first floor rear extension, it is not considered that the proposed scheme would cause detrimental impact to the character of the surrounding area.

Impact on Neighbouring Amenity:

The host property adjoins no. 37 Nethercourt Avenue to form a pair of semi-detached properties. It has been noted that the neighbouring property at no. 37 benefits from a single storey rear extension which measures approximately 2.7 metres in depth. Given that the proposed first floor element would be set away from the party wall by 3 metres, it is not considered that with a depth of 2 metres the proposed extension would cause significant adverse impact to neighbouring amenity in terms of appearing overbearing or creating a significant loss of light or outlook.

The other neighbouring property at no. 41 Nethercourt Avenue also benefits from a single storey rear conservatory extension. At first floor level, the nearest window to the shared boundary is an obscure-glazed window which appears to serve a bathroom. Given the appropriate scale of the proposed first floor rear extension and that the nearest window at first floor level does not serve a habitable room, it is not considered that the proposed extension would cause significant impact to neighbouring amenity at no. 41, in terms of the extension appearing overbearing or creation a significant loss of light or outlook.

5.4 Response to Public Consultation

-Proposal does not comply with Barnet's Residential Design Guidance: Addressed in appraisal.

-Overdevelopment of the site which would create undesired precedent for future proposals: The scale of the proposed scheme is considered to be appropriate in comparison with the host property. Each case is assessed on its own merits, therefore if any future applications would be put in for a two-storey rear extension, the site-specific circumstances would be taken into consideration.

-Out of character and out of proportion with the existing building and surrounding area: Addressed in appraisal.

-Impact to neighbouring amenity in terms of appearing overbearing, creating a loss of light and a sense of enclosure: 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.

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