

**Location**                      **366 Watford Way London NW4 4XA**

**Reference:**                      **18/0289/HSE**

Received: 15th January 2018

Accepted: 15th January 2018

Ward:                              Hendon

Expiry 12th March 2018

Applicant:                      Mr Steven Harris

Proposal:                      Single 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

Drawing entitled 'Proposed' including existing/proposed plans and elevations.

Design and Access Statement dated 10 January 2018.

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).

**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.
- 2 Please note that this decision relates only to the circumstances whereby the property is in use as a single family dwelling house.

Since this application was presented to the Committee on 24 April, an application has been submitted to the Council for the conversion of the dwelling house into an HMO. This application is separate to that and this deferred application should only be considered in isolation and not in connection with the implications of the other application. The description of development is for the erection of a single storey extension to an existing dwellinghouse.

The property is a semi detached dwelling house and as such, would also project from its adjoining neighbour by 3.5m which again is considered acceptable in the context of the Residential Design Guidance. The non-adjointed neighbouring property is situated 2.75m away on a similar building line. As such, the impact of the projection of 3.5m is lessened.

It is considered that the grounds for recommending the approval subject to conditions of this application remain valid.

### Officer's Assessment

The site is not within a conservation area and does not involve any listed buildings.

## 2. Site History

Decision Date: 8 November 2017

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.85 metres and maximum height of 3 metres

Reason: Side and rear extension.

Reference: 17/7009/192

Address: 366 Watford Way, London, NW4 4XA

Decision: Lawful

Decision Date: 14 November 2017

Description: Roof extension involving hip to gable, rear dormer window, 1no. rooflight to front and new gable window to side elevation to facilitate a loft conversion

Reference: 17/7379/PNH

Address: 366 Watford Way, London, NW4 4XA

Decision: Prior Approval Required and Refused

Decision Date: 20 December 2017

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.85 metres and maximum height of 3 metres

Reason: Insufficient information provided by applicant.

Reference: 18/0152/PNH

Address: 366 Watford Way, London, NW4 4XA

Decision: Prior Approval Required and Refused

Decision Date: 25 January 2018

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.85 metres and maximum height of 3 metres.

Reason: Side and rear extension.

### **3. Proposal**

The application seeks permission to construct a single storey rear extension.

The proposed extension would project 3.5 metres from the rear wall following the demolition of original bay window and a half-width projection. The proposal would extend by the full width of the host dwelling, with a flat roof design standing at an eaves height of 2.85 metres and a maximum height of 3.1 metres.

### **4. Consultation**

#### **Public**

Consultation letters were sent to 2 neighbouring properties.

2 representations were received comprising 2 objections. The representations can be summarised as follows:-

- The proposed extension will be built on the shared drive between the two properties.
- The property is alleged to be currently let out as multiple occupancy (without planning or HMO licence, and consent would encourage the proliferation of more unauthorised HMOs on the Watford Way.
- Concerns about impact on neighbouring natural light to garden and habitable room,

- Concern about security as the flat roof of the extension could be used for unauthorised access to the attached property.
- Concern the roof of the extension would be used as a balcony or terrace and loss of privacy through overlooking
- Concern about increase in insurance costs and reduction in house price value for neighbours
- Concern about the potential future use as a HMO
- Concern about breaches of a party wall in the roofspace

### **Internal**

Highways: The proposed single storey extension at the rear of the property is not expected to have a detrimental impact on the public highway.

I therefore have no objections on highways grounds.

### 4.2 Committee call-in

Councillor Braun called the item in to Committee. The stated planning reason for call-in given is the detrimental impact to the amenity of neighbouring occupiers, specifically the attached property no.364.

## **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.

#### 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.

### **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 proposed extension would project 3.5 metres from the rear wall following the demolition of original bay window and a half-width projection. The proposal would extend by the full width of the host dwelling, with a flat roof design standing at an eaves height of 2.85 metres and a maximum height of 3.1 metres.

In the case of semi-detached properties, the adopted Residential Design Guidance SPD (2016) recommends a maximum depth of 3.5m from the rear wall for single-storey rear extensions. The depth of the proposed rear addition would therefore comply with this guidance and the proposed design would be considered a subordinate and proportionate addition to the host dwelling. Therefore the impact to the character and appearance of the existing dwelling would not be considered harmful.

There are a number of single storey rear extensions along Watford Way, including at no.362 with permission (ref H/00562/11 dated 23.03.2011), with similar development at no 360, 338, 340 and 342 which are more than 4 years old and immune from enforcement action by the passage of time, all located along this part of the road. These extensions influence the character and appearance of the area and the proposed extension at 366 Watford Way would not be out of keeping or incongruous within this immediate locality.

The proposal is therefore considered acceptable in terms of impact to character and appearance, and compliant with Policy DM01 in this respect.

#### **Impact to amenities of neighbouring occupiers**

It is imperative that any scheme addresses 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.

The host site and its immediate neighbouring properties were noted to be set at a broadly even ground level at site visit.

As discussed, the proposal complies with the depth ordinarily acceptable under the adopted SPD and which is considered to adequately protect the amenities of neighbouring occupiers. As such, the proposal would be considered to have adequate regard to the amenity of neighbouring occupiers to no.364 and not result in an unacceptable impact in terms of harmful reduction of light or outlook to principal windows of habitable rooms nor in increased sense of enclosure or overbearing to occupiers of this neighbouring property.

In respect of the non-attached neighbour at no.368, this is noted to be separated by a distance of some 2.5 metres between flank walls. Moreover, this site is noted to have an original garage located along the common boundary which would provide screening from the visual impact of the bulk of this proposal. Given the degree of separation, siting of the proposal and material considerations on this neighbouring site, no detrimental impact would be considered to result.

The proposal is therefore considered to have adequate regard to the amenities of neighbouring occupiers and to comply with DM01.

## **5.4 Response to Public Consultation**

Material planning considerations have been considered in the body of the report.

- The proposed extension will be built on the shared drive between the two properties.

Officer comment: The proposal has been internally consulted with a Highways engineer. No objection was raised as the the proposal is not expected to have a detrimental impact on the public highway.

- The property is alleged to be currently let out as multiple occupancy (without planning or HMO licence, and consent would encourage the proliferation of more unauthorised HMOs on the Watford Way.

Officer comment: The present application is for a householder planning application. An informative is attached to clarify that any consent relates to the use of the property as a single family dwelling.

- Concerns about impact on neighbouring natural light to garden and habitable room.

Officer comment: The proposal is considered to be proportionate and subordinate addition to the house, the depth and height of which are considered to be acceptable in terms of impact to the amenity of neighbouring occupiers based on guidance contained in the adopted Residential Design Guide SPD (2016).

- Concern about security as the flat roof of the extension could be used for unauthorised access to the attached property; Concern the roof of the extension would be used as a balcony or terrace and loss of privacy through overlooking

Officer comment: In common with any application for a flat-roof design single-storey rear extension, a condition is recommended to be attached to restrict the use of the roof for purposes other than maintenance and makes clear that balcony use is prohibited. The use of a roof in this way would be liable to enforcement action.

- Concern about increase in insurance costs and reduction in house price value for neighbours

Officer comment: These matters are not material planning considerations.

- Concern about the potential future use as a HMO

Officer comment: The above assessment is in relation to the use of the property as a single-family dwelling and no part of the application references established use as a HMO. An informative is attached to clarify that any consent relates to the use of the property as a single family dwelling.

- Concern about breaches of a party wall in the roofspace

Officer comment: Party wall and boundary disputes are civil matters and are not material considerations for this decision.

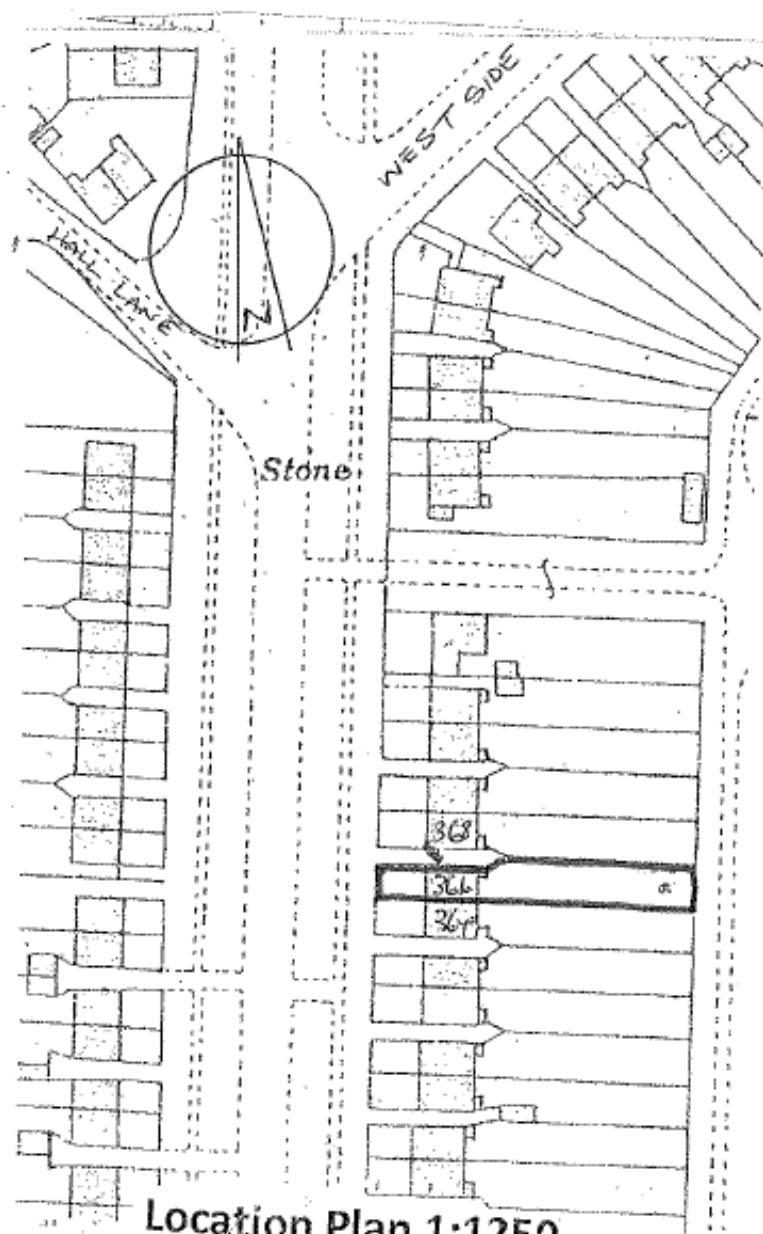
## **6. Equality and Diversity Issues**

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 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. This application is therefore recommended for approval.



Location Plan 1:1250