

Location **138 Hendon Lane London N3 3PS**

Reference: **17/7880/HSE** Received: 13th December 2017
Accepted: 15th December 2017

Ward: Finchley Church End Expiry 9th February 2018

Applicant: Mr simon winston

Proposal: Part single, part two storey side extensions

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:
 - 418PL(2)001
 - 418PL(2)002
 - 418PL(2)003
 - 418PL(2)004
 - 418PL(2)005
 - 418PL(2)006
 - 418PL(2)010
 - 418PL(2)020
 - 418PL(2)102 Revision A
 - 418PL(2)103 Revision A
 - 418PL(2)110 Revision A
 - 418PL(2)120 Revision A
 - 418PL(2)121 Revision A

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 elevation(s), of the extension(s) hereby approved, facing Ashby Lodge.

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).

- 6 Before the building hereby permitted is first occupied the proposed window(s) in the flank elevation facing Ashby Lodge shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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) and the Residential Design Guidance SPD (adopted April 2013).

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

1. Site Description

The application site contains a semi-detached dwellinghouse located on the northern side of Hendon Lane, which is a predominantly residential area, characterised by a range of semi-detached, detached dwelling houses and purpose-built flatted residential buildings. To the east of the application site a four-storey, purpose-built flatted development is sited known as Ashby Lodge, 134 Hendon Lane.

The property is not located within a conservation area, and is not listed.

2. Site History

Reference: 15/00873/PNH

Address: 138 Hendon Lane, London, N3 3PS

Decision: Prior Approval Not Required

Decision Date: 31 March 2015

Description: Single storey rear extension with a proposed depth of 5.5 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: F/05058/14

Address: 138 Hendon Lane, London, N3 3PS

Decision: Prior Approval Required and Refused

Decision Date: 22 October 2014

Description: Single storey rear extension with a proposed depth of 6.0 metres from the original rear wall. Eaves height of 3.5 metres and maximum height of 3.5 metres.

Reference: F/03051/14

Address: 138 Hendon Lane, London, N3 3PS

Decision: Approved subject to conditions

Decision Date: 28 August 2014

Description: Creation of new basement level to rear of property.

Reference: F/03052/14

Address: 138 Hendon Lane, London, N3 3PS

Decision: Approved subject to conditions

Decision Date: 27 August 2014

Description: Part single, part two storey side extensions.

Reference: F/05900/14

Address: 138 Hendon Lane, London, N3 3PS

Decision: Prior Approval Process not Applicable

Decision Date: 12 December 2014

Description: Single storey rear extension with a proposed depth of 6.0 metres from the original rear wall. Eaves height of 3.0 metres and maximum height of 3.0 metres.

3. Proposal

This application seeks planning permission for:

Part single, part two storey side extensions.

The ground floor element of the proposal would replace the existing garage and increase the height of the existing spare room which is sited at the rear of the host property and is adjacent to the boundary with Ashby Lodge. The existing garage maintains the same height as the boundary fence between the host property and Ashby lodge and features a flat roof, whereas the rear element being extended features a pitched roof. The existing garage measures 2.3 meters in height and the rear element measures 2.8 metres in height to the eaves, with a maximum height of 4.1 metres.

The proposed ground floor element would be built up to the boundary with Ashby Lodge and would measure 3.3 metres in height to the eaves at the front, with a maximum height to the top of the parapet wall of 4.2 metres. At the rear the extension would feature a flat roof and would measure 4.1 metres in maximum height.

At first floor level, the proposed extension would measure 1.2 metres in width and 4.5 metres in depth.

4. Public Consultation

Consultation letters were sent to 17 neighbouring properties, 8 objections were received which can be summarised as follows:

- Loss of light and outlook.
- Concern over access to properties for maintenance and the flow of water due to the extension being built up to the boundary.
- No access to the rear of the property.
- Time scale of constructing the proposal.
- Out of character.
- Impact to greenery.
- Dirt, noise and dust caused by construction.
- Concern that during the time of the previously approval for the scheme, the neighbouring property at Ashby Lodge was not inhabited.
- Loss of privacy.

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

The proposed scheme has previously been approved in 2014 under reference: F/03052/14. At the time of the approval the neighbouring property at Ashby Lodge had been constructed.

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

The proposed part single, part two storey side extension would be less than half the width of the original dwellinghouse and would be set back from the front main wall by more than 1 metre at first floor level, in compliance with the guidance set out in Barnet's Residential Design Guidance; paragraph 14.15.

At first floor level the extension would be set in from the shared side boundary by 1 metre, with the neighbouring property at Ashby Lodge being set away from this boundary by an additional 2.6 metres, making the distance between the built form of the new extension and the flats approximately 3.6 meters. Given the distance between the proposed extension and the flank wall at Ashby Lodge, it is not considered that the proposed extension would create a terracing effect between these properties, in compliance with paragraph 14.14.

Moreover, the roof form of the proposed extension at first floor level would follow the pitch of the roof which it would adjoin to and at ground floor the extension would feature a parapet wall with a gable end that would appear sympathetic along with the pitched roof of the front bay window.

Taking all of the above into account, by virtue of scale, siting and design, it is considered that the proposed extension would appear sympathetic to the character of the host property and would not have a detrimental impact to this or the character of the street scene, given that it would appear subordinate and appropriate in scale.

Impact on Neighbouring Amenity:

The host property adjoins no. 140 Hendon Lane to form a pair of semi-detached properties. Given that the extension would be sited on the side which neighbours with Ashby Lodge, at no. 134 Hendon Lane, and would be set in from the boundary with no. 140 Hendon Lane by 6.6 metres it is not considered that this would cause significant harmful impact to neighbouring amenity at no. 140 Hendon Lane. It is not considered that the proposed would cause a significant loss of light, outlook or privacy to the residents of this neighbouring property.

The neighbouring property at Ashby Lodge is a large, four-storey block of flats which is set down at a lower level and is set away from the boundary by 2.6 metres. At first floor level, the extension would be set in from the shared boundary by 1 metre. At ground floor, the extension to the front would see an increase in height to the eaves by a metre in comparison to what is existing. Given that the height of the existing garage is the same as the fence, the proposed extension would exceed the height of the fence by 1 metre, along

the boundary. To the rear, the height of the extension would increase by 1.3 metres on the side of the boundary with Ashby Lodge. Therefore, it is not considered that this would create significant adverse impact to neighbouring amenity in terms of the extension appearing overbearing, causing a loss of light, outlook or privacy.

5.4 Response to Public Consultation

- Loss of light and outlook: Addressed in appraisal.
- Concern over access to the rear of the host property and access to properties for maintenance due to the extension being built up to the boundary: The proposed extension is contained within the application site.
- Time scale of constructing the proposal: This is not a material planning consideration.
- Out of character: Addressed in appraisal.
- Impact to greenery: from the front of the site there is no visible greenery along the shared boundary between the proposed extension at 138 Hendon Lane and the neighbouring flatted development Ashby Lodge at 134 Hendon Lane and therefore the proposals are not considered to result in any loss of greenery.
- Dirt, noise and dust caused by construction and flow of water due to the extension being built up to the boundary: This is not a material planning consideration.
- Concern that during the time of the previously approval for the scheme, the neighbouring property at Ashby Lodge was not inhabited: At the time of the previous approval, the property at Ashby Lodge was completed, therefore the impact on the future residents of this property would have been taken into consideration.
- 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.

