

**Location**                               **38 Moss Hall Grove London N12 8PB**

**Reference:**                           **18/3690/HSE**                               Received: 14th June 2018  
Accepted: 14th June 2018

Ward:                                       West Finchley                               Expiry 9th August 2018

Applicant:                               Mr Nilesh Lukka

Proposal:                               Erection of two storey side and rear extension following the demolition of existing garage

**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, Drg.no.PL080-2, Drg.no.PL080-3, Drg.no.PL080-4 and Drg.no.PL080-5

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 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing east 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 2016).

- 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 elevation(s), of the extension(s) hereby approved, facing east.

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 38-58 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 comprises a semi-detached dwelling house, located towards the northern side of Moss Hall Gove. A garage is currently positioned to the eastern elevation of the dwelling house, with a front drive to the front of the property. The adjoining neighbour is located to the western boundary of the application site.

The application site does not comprise a listed building and does not fall within a conservation area.

### **2. Relevant Site History**

Reference: C05657A

Address: 38 Moss Hall Grove London N12

Date: 16 June 1983

Decision: Approved with conditions

Description: New front porch.

### **3. Proposal**

This application seeks full planning permission for the erection of a two storey side and rear extension following the demolition of existing garage.

The proposed two storey side extension would measure 9.2 metres in depth (including the proposed bay window to the front elevation), 1.6 metres in maximum width, 5.25 metres in height to the eaves and 9 metres in height to the ridge with a hipped roof.

The proposed two storey rear extension would remain at 3.85 metres in depth, would increase from 3.6 metres to 5 metres in width, would measure 5.25 metres in height to the eaves and 7.8 metres in height to the ridge.

The proposal also involves subdividing the internal entrance hall to create a new porch, with an additional 0.3m projection to the front. The existing front canopy will be reduced in width and will be set away by 1m from the boundary wall of no.26a.

### **4. Public Consultation**

Consultation letters were sent to 19 neighbouring properties.

8 responses have been received, comprising 8 letters of objection which can be summarised as follows;

-The planning applicant is LUKKA CARE HOMES LTD, the nature of their business is: Residential care activities for the elderly and disabled. Concern that this is a back-door planning application for a care home;

-There has not been any information on this proposed Change of Use;

-Adding a care home with staff, visitors and emergency vehicles will increase traffic and further impact on access and parking;

-Additional stress on existing parking, due to the expanded Moss Hall School and the Finchley Preschool on the corner of Moss Hall Grove;

-Negative effects on amenity (neighbours and community);

-Effect of the development on the character of the neighbourhood;

-Concern about the length of the extension stretching back into the garden could block light to the rear of adjacent properties.

## **5. Planning Considerations**

### **5.1 Policy Context**

#### Revised 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 Revised National Planning Policy Framework (NPPF) was published on 24 July 2018. 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 Revised 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 Revised 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.

#### The Mayor's Draft 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.

### **5.3 Assessment of proposals**

Impact of the proposal on the character and appearance of the building, the street scene and the wider area

Any scheme for the 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 development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

Policy DM01 states that all proposals should preserve and enhance the local character of the area.

The proposed two storey side extension, would replace the garage in site and will be no more than half the width of the existing dwelling. It will retain a gap of 1 metre to the common boundary with No. 26a Moss Hall Grove as a result of the demolition of the

existing garage and as such would help reduce the visual impact on the street scene of any terracing effect. It will host a small bay window to the front of the extension and will not project further than the existing front bay window. It is therefore not considered to be in keeping with the application site and the immediate vicinity.

Furthermore, it has been noted that the street comprises of a mixed character and a variety of house types, with the row of houses adjacent to the application site benefiting from gable ends. The proposed two storey side extension has been designed with an eaves level and ridge level to match that of the existing dwelling house. Whilst the adopted Residential Design Guidance (2016) states that two storey side extensions should be set down at least 0.5 metres from the ridge of the main roof, considering that the proposed side extension with a width (1.6 metres), will create a 1 metre gap to the common boundary and this element of the proposal and therefore acceptable. The extension will have a pitched roof to match the existing house and therefore it is considered that it will not impact the visual continuity of the street.

The proposed two storey rear extension would project no further than the existing rear outrigger and would be set 1.262 metres off the common boundary with No. 26a Moss Hall Grove. The proposal seeks to increase the width of the existing rear outrigger at first floor level by 1.4 metres. Given the property currently has an existing two storey outrigger the proposed changes to this are considered acceptable and would not harmfully impact the character and appearance of the property or street scene.

Furthermore, the loss of the garage to accommodate the side extension is not likely to add to the existing parking as the property benefits from a front drive that can accommodate more than 2no. cars.

The proposal also involves subdividing the internal entrance hall to create a new porch, with an additional 0.3m projection to the front. The existing front canopy will be reduced in width and will be set away by 1m from the boundary wall of no.26a. These elements can be undertaken under permitted development and therefore are considered to be acceptable.

The proposed extensions are found to be a modest and proportionate additions to the dwelling and are not considered to detract from the character and appearance of the dwellinghouse, the surrounding locality or the wider area.

#### Impact of the proposal on the amenities of neighbours

It will be important 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.

It is found that the proposed side extension would not lead to a detrimental loss of light, outlook or privacy to neighbouring occupiers.

The two-storey side extension would have an overall height of 9 metres, with an eaves height of 5.25metres. Furthermore, the proposed two storey side extension is set off the common boundary with No. 26a Moss Hall Grove by 1 metre. All side elevation windows facing this neighbouring property will be obscure glazed and therefore would not result in overlooking and privacy concerns.

To the other side the two storey rear extension is set off the common boundary with No. 40 Moss Hall Grove by 3 metres, which is the same distance as the existing outrigger. The neighbouring properties to the rear of the site are separated by a distance of approximately 34 metres due to the private amenity space situated to the rear of the host dwelling. Therefore, the proposal is considered to be an acceptable distance from both these neighbouring properties to ensure that the visual and residential amenities of neighbouring properties are not significantly affected in terms of detrimental loss of light, outlook or privacy to these neighbouring occupiers.

The proposal to sub divide the internal entrance hall to create a new porch, and the proposed alterations to the existing front canopy are elements that can be undertaken under permitted development and therefore are considered to be acceptable.

Subject to conditions, it is not considered that the proposal would impact the amenities of neighbouring properties to an unacceptable level.

#### **5.4 Response to Public Consultation**

-The planning applicant is LUKKA CARE HOMES LTD, the nature of their business is: Residential care activities for the elderly and disabled. Concern that this is a back-door planning application for a care home;

With regards to the above comments, this application must be assessed on it's own merits and therefore cannot consider possible development which may occur in the future. Any plans to develop the site to a care home would be subject to further planning permission and would be assessed accordingly at the time of submission.

-There has not been any information on this proposed Change of Use;

The current application is solely for the erection of a two storey side and rear extension following the demolition of existing garage and does not involve a change of use. Any plans for a change of use would be subject to further planning permission and would be assessed accordingly at the time of submission.

-Adding a care home with staff, visitors and emergency vehicles will increase traffic and further impact on access and parking;

The current application is solely for the erection of a two storey side and rear extension following the demolition of existing garage and does not involve developing the site to a care home. Therefore will not result in any further increase in traffic as a result of the care home.

-Additional stress on existing parking, due to the expanded Moss Hall School and the Finchley Preschool on the corner of Moss Hall Grove.

The property benefits from a front drive that can accommodate parking for more than two cars and therefore it is not considered that the proposal will create any additional stress on the existing parking.

#### **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.



