

Location **247 Edgwarebury Lane Edgware HA8 8QL**

Reference: **18/4659/HSE**

Received: 26th July 2018

Accepted: 27th July 2018

Ward: Edgware

Expiry 21st September 2018

Applicant: Mr D Sharafian

Proposal: Ground and first floor side and rear extensions with associated alterations to roof including conversion of garage into habitable room and replacement of existing garage door with new window

Recommendation: Refuse

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 proposed part single, part two storey side and rear extensions, by reason of its size, siting, design, proximity to both the northern and southern boundaries of the site and the height of the additions resulting in an extension to the existing crown roof, would appear as a cramped, unduly prominent, incongruous and visually obtrusive addition, to the detriment of the character and appearance of the host property and the character of the area and current streetscene. The application is therefore unacceptable and contrary to policy CS5 of the Barnet Core Strategy (2012), policy DM01 of the Barnet Development Management Policies Document (2012), policy 7.6 of the London Plan (2016) and the guidance contained within the Barnet Residential Design Guidance Supplementary Planning Document (2016).

- 2 The proposed part single, part two storey side and rear extension by reason of its size, siting, height and depth would have an overbearing appearance when viewed from the neighbouring properties at 245 and 249 Edgwarebury Lane, and would adversely affect the outlook of these properties, detrimental to the residential amenity of the neighbouring occupiers contrary to Policy CS5 of Barnet's Adopted Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

Informative(s):

- 1 The plans accompanying this application are:

Drawing no. EL/247/01 Rev A
Drawing no. EL/247/02 Rev A
Drawing no. EL/247/03 Rev A
Drawing no. EL/247/04 Rev A
Drawing no. EL/247/05 Rev A
Drawing no. EL/247/06 Rev A
Drawing no. EL/247/07 Rev A
Drawing no. EL/247/08 Rev A
Drawing no. EL/247/09 Rev A

- 2 In accordance with paragraphs 38-57 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.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. In accordance the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.

Officer's Assessment

1. Site Description

The application site contains a detached dwellinghouse, located on the western side of Edgwarebury Lane, with open space to the rear/west of the site.

The site is not within a conservation area (designated as Article 2(3) land in The Town and Country Planning (General Permitted Development)(England) Order 2015 as amended) and is not within an area covered by an Article 4 direction.

A condition was imposed on the permission granted under reference no. W09804A/00, which removed the permitted development right to insert windows in the southern flank elevation of the ground floor rear extension adjoining no. 245 Edgwarebury Lane. No other restrictions to the permitted development rights of the property have been imposed.

2. Site History

Reference: 17/7444/192

Address: 247 Edgwarebury Lane, Edgware, HA8 8QL

Decision: Lawful

Decision Date: 21 December 2017

Description: Single storey outbuilding to rear garden

Reference: W09804A/00

Address: 247 Edgwarebury Lane, Edgware, HA8 8QL

Decision: Approved subject to conditions

Decision Date: 27 June 2000

Description: Single storey rear extension.

Reference: W09804

Address: 247 Edgwarebury Lane Edgware Middx HA8 8QL

Decision: Approved subject to conditions

Decision Date: 15 October 1991

Description: Single storey side extension to garage

3. Proposal

The proposal seeks to construct the following additions to the existing dwellinghouse, to ultimately square off the design of the building:

- Two storey side and rear extension on the northern elevation of the property, including the conversion of the existing garage into a habitable room. This will extend the existing side extension forward to be flush with the front elevation of the original dwellinghouse at both ground and first floor, will have a width of 2.5 metres out from the northern flank elevation and will extend the depth of this elevation, and then project an additional 5 metres at ground floor to be flush with the existing rear extension and 4 metres beyond the rear wall of the original dwellinghouse at first floor; resulting in a total depth of 14.4 metres and 13.3 metres respectively. At first floor, the side and rear extension will extend the entire width of the dwellinghouse. The single storey aspect of the extension at the rear will have a maximum height of 3.4 metres with a flat roof, the two-storey aspect of the extension will have an eaves height of 5.5 metres and a maximum height of 8.5 metres,

being level with the existing ridgeline and thereby increasing the scale of the existing crown roof.

- Extension of the existing first floor on the southern elevation to project forward 1 metre to be flush with the existing first floor front-most elevation. This will be connected in with the existing roof pitch.

4. Public Consultation

Consultation letters were sent to 4 neighbouring properties.
2 letters of objection were received.

The objections received can be summarised as follows:

- a two-storey extension at the rear of the subject site would impact hugely on the light access of habitable rooms, exacerbating the impact already created by the existing single storey rear extension on neighbouring properties.
- privacy will be further impacted as a result of this proposal, noting that the outbuilding that has recently been constructed in the bottom of the garden is already facing the rear windows of neighbouring properties.
- the extension will be overbearing on neighbouring properties and does not comply with guidance of being set back from the side boundary by at least 1 metre.
- the elevations are vague; the actual distance between the proposed eaves and the eaves of neighbouring properties is very close and will impact access to the roof of neighbouring properties and is not in keeping with the character of the surrounding area.
- the depth and height of the rear first floor extension will result in a sense of enclosure and loss of outlook for neighbouring properties.
- concerned about the building process due to previous works that have been undertaken and how this will impact access, the health of trees and the health and well-being of residents.
- concerned about future plans; i.e. a third storey.
- there are no dimensions shown on the plans and therefore the detrimental impact on neighbouring properties is not demonstrated.

Cllr Brian Gordon has requested that if the LPA are of the mind to refuse this application, it be called in for the Committee to assess the proposal on the basis that the proposed development would be acceptable within the context and would not affect neighbour amenity.

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 24th 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 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.

Existing policies in Barnet's Local Plan (2012) and the London Plan (2016) should not be considered out-of-date simply because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF.

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 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, DM17.

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.

Policy DM17 states the expectation for parking management in the Borough through the provision of off-street parking as guided by the London Plan in addition to the 2006 Unitary Plan. The policy states that a detached dwellinghouse of this nature should expect to provide a maximum of 2 parking spaces.

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 an extension 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

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.

Residential Amenity

Policy DM01 of the Development Management Policies (Adopted) 2012 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.

The proposed two storey side and rear extensions have not been designed in accordance with residential design guidance; with the two-storey extension being located on the

boundary shared with 249 Edgewarebury Lane and projecting 5 metres beyond the original rear wall at ground level and 4 metres at first floor. The property to the north (249 Edgewarebury Lane) does not benefit from a rear extension; as such, the proposed extensions will be overbearing on the neighbouring amenity spaces, both inside the dwellinghouse and the rear garden. The extensions will also impede on the outlook of the windows on the rear elevation of this neighbouring property, further noting that the property to the north of no. 249 also benefits from a single storey rear extension adjoining this property which will result in a cumulative impact of loss of outlook and spaciousness within this property. Furthermore, due to the solar orientation of the site in relation to this neighbour, the sunlight access of no. 249 will also be impacted throughout the year.

The neighbouring property to the south, being 245 Edgewarebury Lane, benefits from an existing single storey rear conservatory extension that adjoins the existing single storey rear extension. It is appreciated that the ground floor and first floor side components of the extension on the northern elevation will not impact this neighbouring property as these will be screened by the existing building and extension. As such, the impact of the proposal on this property is limited to the first-floor rear extension. The extension will be set 1 metre away from the boundary shared with no. 245, and will project 4 metres beyond the first-floor rear elevation. Guidance suggests that such an extension should be set at least 2 metres away from a neighbouring boundary and should not project any more than 3 metres beyond the original rear wall in order to mitigate concerns of outlook, loss of sunlight and having an overbearing presence on neighbouring properties; the proposal is a departure from this guidance. It was noted whilst on site that the property at no. 243 benefits from a similar scaled first floor rear extension; as such, this, in combination with the proposed extension, would result in an unacceptable loss of outlook from the first-floor windows of no. 245 and will have an overbearing impact on this property. With regards to sunlight access, due to the solar orientation of the site in relation to this property, it is unlikely that the sunlight access of no. 245 will be impacted as a result of this proposal.

All other neighbouring properties are considered to be sufficiently separated from the proposal, rendering any potential impact negligible.

Character and Street Scene

The Council's SPD 'Residential Design Guidance' states that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant.

The proposed extension has not been designed to be subordinate from the host building; through extending the ridgeline of the existing building, being flush with the front elevation at first floor, essentially extending the entire width of the subject site and protruding a depth that dominates the original building. As a result of the proposed works, the original form and character of the detached dwellinghouse will be lost and the additions will appear as discordant and incongruous additions to the original building.

It is further noted that design guidance suggests that first floor side extensions should be set at least 1 metre off a boundary with neighbouring properties, to allow for a separation of 2 metres between first floor flank walls. This standard seeks to protect existing gaps between properties that form part of the spacious character of an area, and allow sightlines through sites to the rear of properties with glimpses of the land behind properties. The proposal will not comply with this guidance, with the side and rear extension being located on the boundary shared with 249 Edgewarebury Lane, resulting in a gap of approximately 1 metre

between the flank elevations of each dwellinghouse; this would be out of character for the surrounding area.

It is appreciated that the property to the south of the subject site, at 243 Edgwarebury Lane, benefits from a large first floor rear extension that was subject to planning approval under reference no. W01055G granted in 1995. Although this extension is similar in scale to what is currently proposed, the first-floor rear extension was proposed to be set away at least 3 metres from the adjoining boundary and the first-floor side extension was set at least 1 metre away from the adjoining boundary. As such, despite this extension being assessed under a different planning framework, goes further to meet the residential design guidance for first floor side and rear extensions and does not establish a precedent for the departure from the development plan and guidance documents that is proposed through this application.

It is also noted that there is a first-floor rear extension located at no. 251; emphasising that this is only a rear extension as opposed to a side and rear extension, and is reduced in scale in comparison to the proposal. As such, the majority of properties in the surrounding area do not benefit from such a scale of extension, and therefore the proposal would appear to be out of character for the surrounding environment and would detract from the established character.

5.4 Response to Public Consultation

The above assessment is considered to address the planning matters that have been raised through objections received. However, in addition to this, the following comments are made in relation to further matters raised:

- concerned about the building process due to previous works that have been undertaken and how this will impact access, the health of trees and the health and well-being of residents.
- concerned about future plans; i.e. a third storey.

The impact of the proposal on the residential amenity of neighbouring properties has been assessed above. The remaining matters raised through this statement are not material planning considerations, and given the surrounding trees are not subject to protection, the retention of these is not a planning matter. Furthermore, the LPA cannot consider potential future works on a site prior to receiving such an application, and must instead assess the proposal as presented.

- there are no dimensions shown on the plans and therefore the detrimental impact on neighbouring properties is not demonstrated.

It is not a requirement to show dimensions on the plans, and rather, plans must be to scale to enable the LPA to measure from these to ascertain the scale and positioning of a proposal. This has been done and the LPA has assessed the proposal on this basis with a full knowledge of how the proposal relates to neighbouring buildings.

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 the proposal does not comply with the Adopted Barnet Local Plan policies and design guidance. Furthermore, the proposed development would not be in keeping with the character and appearance of the surrounding area and would have a detrimental impact on the character and form of the original host building, and on the residential amenity of neighbouring properties at 245 and 249 Edgwarebury Lane. This application is therefore recommended for REFUSAL.

In the event an appeal is lodged and allowed, the following conditions are recommended to be attached:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Drawing no. EL/247/01 Rev A
- Drawing no. EL/247/02 Rev A
- Drawing no. EL/247/03 Rev A
- Drawing no. EL/247/04 Rev A
- Drawing no. EL/247/05 Rev A
- Drawing no. EL/247/06 Rev A
- Drawing no. EL/247/07 Rev A
- Drawing no. EL/247/08 Rev A
- Drawing no. EL/247/09 Rev 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.

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. 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 northern or southern elevations of the extensions hereby approved, facing 245 and 249 Edgwarebury Lane.

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).

5. 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).

