

LOCATION: 26 Hamilton Way, London, N3 1AN

REFERENCE: F/02052/12

Received: 25 May 2012

Accepted: 28 May 2012

WARD(S): West Finchley

Expiry: 23 July 2012

Final Revisions:

APPLICANT: Mr & Mrs Baruch

PROPOSAL: Part single storey, part two storey side and rear extension including rear terrace. Creation of basement including lightwell. Extension to roof including rooflights on all elevations and dormers on West and North elevations to facilitate a loft conversion.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 0434/01A; 0434/10C; 0434/11C; 0434/12B; 0434/13B; 0434/15C (Date Stamped 17 July 2012); 0434/16C (Date Stamped 17 July 2012); 0434/17C (Date Stamped 17 July 2012); 0434/18; 0434/19; 0434/20A.

Reason:

For the avoidance of doubt and in the interests of proper planning.

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 the surrounding area.

4. Before the building hereby permitted is occupied the proposed dormer windows in the side elevation facing 28 Hamilton Way 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.

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, other than those

expressly authorised by this permission, shall be placed at any time in the approved development.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties.

INFORMATIVE(S):

1. The reasons for this grant of planning permission or other planning related decision are as follows: -

- i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (UDP) (2006).

In particular the following policies are relevant:

National Policy:

National Planning Policy Framework

Adopted Barnet Unitary Development Plan (2006):

GBEnv1, GBEnv2, D1, D2, D3, D4, D5 & H27.

Local Development Framework:

Core Strategy (Adoption version) 2012 – CS NPPF, CS1, CS5.

Development Management Policies (Adoption version) 2012 – DM01, DM02.

- ii) The proposal is acceptable for the following reason(s): -

Having taken all material considerations into account, it is considered that the proposed development as amended would be in keeping with the character and appearance of the surrounding area. The proposed development is not considered to have a detrimental impact on the residential amenities of neighbouring developments. This application is considered to comply with National, London Plan, and Council Policies and Guidelines.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

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.

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published on 27 March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible.

The London Plan is recognised in the NPPF as part of the development plan.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

The Mayor's London Plan: July 2011

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.

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.

Relevant Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction "saving" 183 of the 234 policies within the UDP.

Relevant policies to this case: GBEnv1, GBEnv2, D1, D2, D5 & H27.
Design Guidance Note No 5 – Extensions to Houses

The Council Guide 'Extension to Houses' was approved by the Planning and Environment Committee (The Local Planning Authority) on March 2010. This leaflet in the form of a supplementary planning guidance (SPG) 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.

Included advice 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.

In respect to amenity, the extension should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook and be overbearing or cause an increased sense of enclosure to adjoining properties.

The basic principles the Local Authority has adopted in respect to different types developments are that they should not unduly reduce light or outlook from neighbouring windows to habitable rooms, overshadow or create an unacceptable sense of enclosure to neighbouring gardens. They should not look out of place, overbearing or bulky from surrounding areas.

The Council has also adopted (June 2007), following public consultation, a Supplementary Planning Document "Sustainable Design and Construction". The

SPD provides detailed guidance that supplements policies in the Unitary Development Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

Core Strategy (Adoption version) 2012

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS NPPF, CS1, CS5.

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Development Management Policies is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01, DM02.

Relevant Planning History:

Site Address: 26 Hamilton Way London N3 1AN
Application Number: C10618A/00
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 11/04/2000
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Two storey side extension.**
Case Officer:

Site Address: 26 Hamilton Way London N3 1AN
Application Number: C10618C/00
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 16/11/2000
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Part single, part two-storey side extension incorporating a roof terrace.**
Case Officer:

Site Address: 26 Hamilton Way London N3
Application Number: C10618D/01
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 17/12/2001
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Two storey side extension incorporating garage with vehicular access from Hamilton Way.**

Case Officer:

Site Address: 26 Hamilton Way London N3 1AN
Application Number: C10618E/04
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 31/01/2005
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Part single, part two-storey side and rear extension.**
Case Officer: Peter Alsop

Site Address: 26 Hamilton Way London N3 1AN
Application Number: C10618F/05
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 10/06/2005
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey side extension.**
Case Officer: Peter Alsop

Site Address: 26 Hamilton Way London N3 1AN
Application Number: C10618G/05
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 13/10/2005
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Part single, part two-storey side and rear extensions. Excavation of semi-basement to form habitable room.**
Case Officer: Peter Alsop

Site Address: 26 Hamilton Way London N3 1AN
Application Number: C10618H/07
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 02/04/2007
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Part single, part two-storey side and rear extensions. Excavation of lower ground floor to form habitable room. Extended loft accommodation with roof windows.**
Case Officer: Claire Thorley

Consultations and Views Expressed:

Neighbours Consulted: 25 Replies: 6
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Concerns about future use of the dwelling;

- Concerns about overlooking from the dormer;
- Nuisance contractors;
- Increased heavy vehicles traffic;
- Site has been a building site for 3 to 4 years already;
- Dust and dirt has been deposited on Hamilton Road;
- Building is not in keeping with the other dwellings of the road;
- Opposition to the principle;
- HGVs damage cars when accessing the site;
- Over development of the site.

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a detached house on the west side of Hamilton Way at the point at which the tarmac road (adopted highway) turns at right angles and becomes an unsurfaced private road. The property is unique in its location and situation: the only immediate neighbour to the house is number 28 Hamilton Way to the south west which has a much larger footprint to that of 26, and the other surrounding houses in Hamilton Way are terraced. The garden of the property faces north-west and is parallel to the road leading down towards 24 Hamilton Way. There is a change in level of several metres from north to south across the site.

The house has been extended in the part through a part single, part two storey side extension on the south east side. There have been a number of previously approved extensions for further two storey and single storey extensions to the side and rear of the house in addition to a semi-basement.

Works have been taking place for a number of years which has been highlighted by objectors .

Proposal:

The proposal relates to a part single storey, part two storey side and rear extension including rear terrace; the creation of basement including lightwell; extension to roof including rooflights on a number of elevations and dormers on West and North elevations to facilitate a loft conversion.

The application follows the previously approved applications which have now expired but the applicant has indicated to the Local Planning Authority that works began within 3 years of the dated of the last approved application, C10618H/07 dated 02/04/2007.

Planning Considerations:

The main issue in this case are considered to be covered under two main areas:

- The living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal.

General Policy GBEV1 of the Unitary Development Plan (2006) aims to maintain and improve the character and quality of the environment.

Policies D1 and D2 of the Unitary Development Plan (2006) aims to ensure compatibility with the established character and architectural identity of existing and adjoining properties and the general location in terms of scale, design and impact on neighbouring properties. Established local character and townscape quality can be harmed by insensitive development, which is out of scale with and unrelated to the locality.

Part of policy D5 of the Unitary Development Plan (2006) requires new development to safeguard outlook and light of neighbouring residential occupiers

Policy H27 of the Unitary Development Plan (2006) states that extensions to houses should harmonise existing and neighbouring properties, maintain the appearance of the streetscene and have no significant adverse effect on the amenity of neighbouring occupiers. They should be in keeping with the scale, proportion, design and materials of existing and neighbouring houses.

Policy DM01 of the Development Management Policies (Adoption version) 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 changes which have been made to the application relate a new roof (reducing the overall height of the building by 0.8 metres – reduced eaves and ridge line), first floor infill extension closest to the boundary with no. 28, excavation of a larger basement and the insertion of additional windows and a lightwell.

The additional basement area and new external stairs to the side elevation (from ground level to basement level) are not considered to be detrimental to either the character or appearance of the area or to the amenities of neighbouring occupiers. New low level window are proposed in the east and west elevations to provide light to the extended basement area.

It is considered that the alterations the front (east elevation) are closest to the ground and are obstructed from view from the street by the properties front boundary wall and planting, as such it is not considered to be detrimental to the character of the property or street scene.

The proposed alterations to the roof in the roof of increase the angle of the roof over the extensions below at first floor and the original building, the proposed dormer windows and the rooflights are considered to accord with Council Guidance (Note No.5 – Extensions to Houses). It is not considered that these extensions would cause any significant detriment to the amenities of neighbouring occupiers as stated in Design Guidance (Note No. 5 – Extensions to Houses).

It is the requirement of the UDP to protect and enhance the character of the boroughs built environment and to give a reasonable degree of privacy to properties by requiring a minimum distance of 21 metres between the windows of habitable rooms facing one another.

There proposed rooflights means that there will be a negligible increase in overlooking. However, even if this were not the situation the distance between the proposed windows and any windows facing in the property is greater than 21 metres to the north and east of the application site.

The proposed dormer windows fronting no. 28 are to be conditioned to be obscure glazed.

Whilst the original house has been extended already and planning permission exists for further extensions, the unique plot and location of the property are such that it is able to accommodate further extensions without jeopardising the integrity or character of the original property, or the amenities of neighbouring occupiers.

The proposals would comply with the aforementioned policies and Council Design Guidance on Extensions to Houses and would be a proportionate addition to the dwellinghouse. It would have an acceptable impact on the character and appearance of the streetscene, site property, general locality and the residential amenity of neighbouring occupiers.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The application has amended is considered to have addressed to concerns of the objectors on character and amenity grounds. There is a condition attached to this recommendation restricting working hours.

4. EQUALITIES AND DIVERSITY ISSUES

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

When the Local Planning Authority approve planning applications there may be cases where there is some element of a loss of light to neighbouring properties. It is for the Local Planning Authority to determine whether the loss of light that could occur would be sufficient a reason to refuse the application.

The Local Planning Authority have considered this current scheme to have an acceptable impact on neighbours occupiers.

Having taken all material considerations into account, it is considered that the proposed development as amended would be in keeping with the character and appearance of the surrounding area. The proposed development is not considered to have a detrimental impact on the residential amenities of neighbouring developments. This application is considered to comply with National, London Plan, and Council Policies and Guidelines and is recommended for **APPROVAL**.

SITE LOCATION PLAN: 26 Hamilton Way, London, N3 1AN

REFERENCE: F/02052/12



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2012. All rights reserved. Ordnance Survey Licence number LA100017674.