

**LOCATION:** 44 Lincoln Road, London, N2 9DL

**REFERENCE:** F/03677/12 **Received:** 28 September 2012

**Accepted:** 09 October 2012

**WARD(S):** East Finchley **Expiry:** 04 December 2012

**Final  
Revisions:**

**APPLICANT:** Mr Robert Hastings

**PROPOSAL:** Single storey side and rear and infill extension to ground floor flat. Alterations to existing rear terrace at 1st floor flat including new balustrading and alterations to stairs, access to garden.

**RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site and Location Plan - 784 / 10; Plan No's: 784 / 01 Rev C; 784 / 02 Rev E; 784 / 11 Rev B.

**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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (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 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 Adopted Barnet Development Management Policies DPD (2012).

4. 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 policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

## **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 Core Strategy (2012) and Development Management Policies DPD (2012).

In particular the following policies are relevant:

Core Strategy (Adopted) 2012: CS NPPF, CS1, CS5.

Development Management Policies (Adopted) 2012: DM01 & DM02.

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

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Local Plan policies and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers.

iii) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

## **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.

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

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."

NPPF retains 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 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 Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11th September 2012

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.

Relevant Development Management DPD (2012): Policies DM01, DM02.

#### Supplementary Planning Documents and Guidance:

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) in March 2010. This 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, 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.

The Council adopted a Supplementary Planning Document (SPD) "Sustainable Design and Construction" (June 2007), following public consultation. This SPD provides detailed guidance that supplements policies in the adopted Local 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.

The Council is currently consulting on the following two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations. The Residential Design Guidance SPD (consultation draft November 2012) and Sustainable Design and Construction SPD (consultation draft November 2012) are now material considerations.

#### Relevant Planning History:

**Site Address:** First Floor Flat 44 Lincoln Road London N2 9DL  
**Application Number:** C06363B/05  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 12/12/2005  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Alterations to roof including rear dormer to facilitate a loft conversion.**  
**Case Officer:** Fabien Gaudin

**Site Address:** FIRST FLOOR FLAT 44 Lincoln Road London N2 9DL  
**Application Number:** C06363A/05  
**Application Type:** Full Application  
**Decision:** Withdrawn  
**Decision Date:** 13/10/2005  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Alterations to roof including formation of rear dormer to accommodate a loft conversion.**  
**Case Officer:** Fabien Gaudin

**Site Address:** 44 Lincoln Road London N2  
**Application Number:** C06363  
**Application Type:**  
**Decision:** Not yet decided  
**Decision Date:** Not yet decided  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:**  
**Case Officer:**

#### Consultations and Views Expressed:

Neighbours Consulted: 9                      Replies: 6  
Neighbours Wishing To Speak 5

The objections raised may be summarised as follows:

- Current proposals do not grant full use of the rear terrace extension - currently have visibility of our neighbouring gardens from our terrace.
- Noise and disturbance.
- Amended plans do not address previous objections.
- Amended plans are misleading and inaccurate.
- Reduction in height from 3m to 2m – plans appears to show that there is an existing closed-boarded fence – this is untrue.
- Size, scale of extended terrace and repositioning of stairs at 1<sup>st</sup> floor level along boundary between neighbouring properties.

- Overdevelopment of application site.
- No. 44 converted into two flats – 2055/2006 door at first floor rear elevation converted into double doors – access to balcony/garden – increased noise and disturbance.
- Neighbouring bedroom is located 1.1 metres with shared boundary with No. 44 and balcony/terrace - result in overlooking and loss of privacy, prevent private use and direct issues of overlooking.
- Loss of light to neighbours living space including kitchen and living room.
- Loss of sunlight.
- Impact on use of neighbours garden.
- Repositioning of staircase.
- Loss of privacy to neighbours gardens and bedrooms from new roof terrace.
- Loss of outlook and sense of enclosure.
- Design - destroys the original Victorian terrace.
- Loss of outdoor amenity.
- Creation of courtyard – dark and damp which will not have any practical use.
- Proposal is contrary to Council's Design Guidance and Local Plan.
- Rear terrace extension and stairs to be built to a sufficiently high quality and safety.
- Detrimental impact on neighbour amenity.
- Reduction in outlook.
- Rear extension to be built to a standard that is sufficient for us to build an extension at a later date should this be possible.
- Permission for building on neighbours land.
- Inconvenience caused whilst work is carried out but we would like this to be minimised where and when possible.

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site is a terrace property on Lincoln Road in the East Finchley ward. The property has an L-shaped footprint created by an original two storey rear wing, which is characteristic of the properties along this street. The property is sub-divided into two self-contained units which has been confirmed by Council tax records.

### Proposal:

The application relates to a single storey rear and side extension to Ground Floor Flat 44 Lincoln Road. The application proposes a single storey side extension which will infill the 'L' Shape footprint with a section to be retained as an open courtyard.

The proposed ground floor side extension will project 5.4 metres deep along the boundary with No. 46 Lincoln Road and measures 2 metres in height to eaves level with a sloping glass roof to a maximum height of 3 metres which lines up with the new close boarded fence which replaces the existing trellis.

The proposed ground floor rear extension will measure 0.9 metres along the shared boundary with No. 42 Lincoln Road, set in by 0.8 metres and then project a further 1.2 metres.

The staircase which provides access into the rear garden for the flat above will be retained and the terrace remains as pre the existing arrangements. The existing

railing at first floor level will be replaced, measuring 0.7 metres in height and will prevent access onto the new roof created as a result of the extension. A condition is also attached restricting use of the flat roof of the proposed extension by the occupiers of the flat above.

Since the original submission, the following amendments have been received which includes the reduction of the proposed height of the extension adjacent No. 46 Lincoln Road to 2 metres along the shared boundary and the terraced area and staircase will be unchanged to the flat above.

### 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.

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 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.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The development standards set out in Policy DM02: Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

Council's policies and guidelines in respect of extensions to residential properties seek to ensure that they respect the scale, character and design of any building on which they are to be placed and are compatible with the character of the locality. Extensions will not be permitted if they do not have regard to the amenities enjoyed by neighbours. In account of this, the principle of the single storey side and rear extensions is considered acceptable.

The proposed height of the ground floor side extension at 2 metres along the shared boundary with No. 46 Lincoln Road would, in itself, ensure that there was no unduly oppressive sense of enclosure that was overbearing, or unacceptable loss of daylight or sunlight. For these reasons, the living conditions of the neighbouring properties within the immediate area would not be harmed. Although the depth of the extension is considered to be deep, the height and siting of the extension along the boundary is considered to be acceptable due to the height of 2 metres and the roof pitching away from No. 46 Lincoln Road, Which is no higher than the height of a wall that could be built under permitted development.

The single storey rear extension does comply with Council policies that seek to preserve the amenities of neighbouring occupiers. The design, size and rearward projection of the extension is such that it does not have an adverse impact on the residential and visual amenities of the neighbouring occupiers. Design Guidance Note No. 5 - Extensions to Houses states that single storey rear extensions to

terrace houses projecting up to a maximum of 3 metres in depth along the boundary with a property will normally be acceptable. Thus, this extension is in accordance with Council guidance, as the extension measures 0.9 meters in depth along the boundary with the neighbouring property No. 42 Lincoln Road.

There is no proposed change to the existing staircase and terrace area for the first floor flat above. It has been noted that the extension allows for the creation of a flat roof, however this has been cornered off by the railings and thus access for the first floor occupiers will not be permitted onto this area. The application has been conditioned to ensure that this area is only used for maintenance and not amenity for the flat above. This prevents issues of overlooking and loss of privacy to the occupier of the neighbouring property No. 42 Lincoln Road.

The application site contains four habitable rooms for the ground floor flat, thus the amenity space should be 20m<sup>2</sup>, the proposed single storey side and rear extension would result in the property having 36.99m<sup>2</sup> amenity space, and this is considered to be sufficient for the occupants and meets Policy 2.3 of the Council's draft SPD 'Residential Design Guidance'. Thus, the construction of the proposed single storey rear and side extension would lead to a loss of some amenity space at the application site, nevertheless the amount of amenity space left would exceed Policy 2.3 of the Council's draft SPD 'Residential Design Guidance'.

In addition, similar ground floor side and rear extension have been approved within the immediate area, thus the proposal is not considered to be out of character, for example No. 27 Lincoln Road was granted planning consent (F/01246/12) for '*single storey side extension*' on 09/02/2010.

The Council's draft 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 Council's Design Guidance Note 5 on Extensions to Houses advises that 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.

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**

It is considered that the planning related concerns raised on this application were not sufficient to constitute a reason for refusal.

### **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.

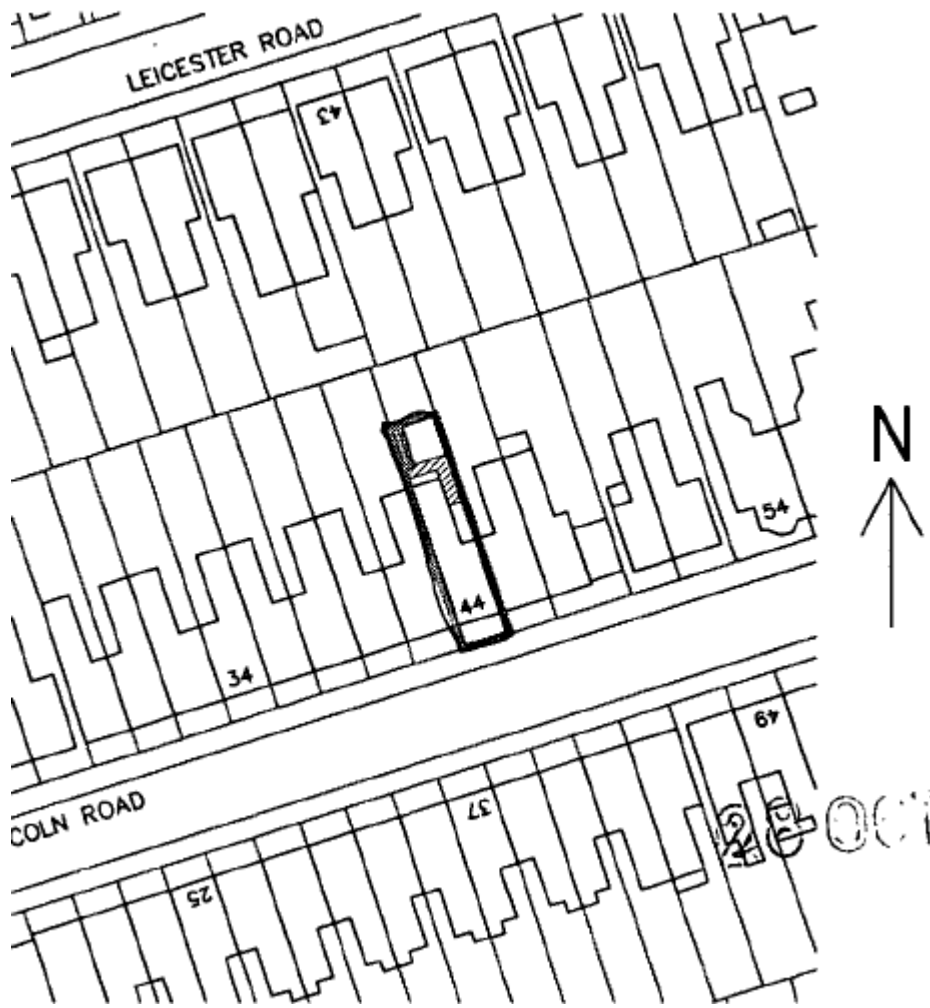
## **5. CONCLUSION**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.



**SITE LOCATION PLAN:** 44 Lincoln Road, London, N2 9DL

**REFERENCE:** F/03677/12



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