

LOCATION: 44 Lincoln Road, London, N2 9DL

REFERENCE: F/00367/13

Received: 28 January 2013

Accepted: 28 January 2013

WARD(S): East Finchley

Expiry: 25 March 2013

**Final
Revisions:**

APPLICANT: Mr Hastings

PROPOSAL: Single storey rear extension at ground floor flat. Replacement of railings at 1st floor terrace and stairs to garden access.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 784/01 rev E, 784/02 rev H, 784/03, 784/04, 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 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).

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, with the exception of that area that is shown on the plan 784/04 as the terrace for the top floor flat.

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).

5. Before construction of the replacement staircase starts on site, a 1.8 metre high fence shall be installed and retained on the section of the boundary between the staircase and 42 Lincoln Road.

Reason: To ensure a satisfactory appearance for the development and to protect the amenities of neighbouring occupiers

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:
Design Guidance Note No.5 on Household Extensions.

Core Strategy (Adopted) 2012:
Relevant policies: CS NPPF, CS1 and CS5

Development Management Policies (Adopted) 2012:
Relevant Policies: DM01 and 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 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.

- 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 Government's 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:

Application:	Planning	Number:	C/06363/B/05
Validated:	10/11/2005	Type:	APF
Status:	DEC	Date:	12/12/2005
Summary:	APC	Case Officer:	Fabien Gaudin

Description: Alterations to roof including rear dormer to facilitate a loft conversion.

Application:	Planning	Number:	F/00367/13
Validated:	28/01/2013	Type:	HSE
Status:	PDE	Date:	
Summary:	APC	Case Officer:	Jo Dowling

Description: Single storey rear extension at ground floor flat. Replacement of railings at 1st floor terrace and stairs to garden access.

Application:	Planning	Number:	F/03677/12
Validated:	09/10/2012	Type:	HSE
Status:	DEC	Date:	11/01/2013
Summary:	REF	Case Officer:	Neetal Rajput

Description: 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.

Consultations and Views Expressed:

Neighbours Consulted:	10	Replies:	5
Neighbours Wishing To Speak	3		

These can be summarised as follows:

- The proposal will block light to the kitchen and sitting room of No. 46.
- The proposal will impact the outlook from the kitchen and sitting room at No. 46.
- The proposal will block light to the garden of No. 46.
- The proposed flat roof could be used as a roof terrace which would result in overlooking to adjoining properties and it should not be up to neighbours to police whether this happens.
- The proposal will result in the loss of amenity space contrary to planning policy.
- The extension would spoil the pattern of the Victorian terrace of which this property forms part.
- This is the fourth application for an extension at this property.
- If the applicant needed a larger property they should have bought a larger flat.
- Since the first floor flat was extended in 2005/6 there has been increased noise and disturbance to adjoining properties.
- Permitted development rights do not apply to this property as it is not a single family dwelling unit.
- There is no plan showing the side elevation to No.42.
- The increased height to the rear balcony will be intrusive to the rear bedrooms and terrace of No.42.
- The proposal will result in loss of light to the kitchen of No.42 .
- The conditions applied to the previous permission included that the boundary fencing would be in a position so that the staircase would not be open to no.42.
- Objection to any ground floor extension that would enable a first floor extension in the future.
- The proposal is overdevelopment and out of character with the surrounding area.
- The design of the extension is unimaginative and out of character with the original Victorian design.

A further email from the residents of No.46 Lincoln Road was sent highlighting a request in their original objection letter that the application be amended in the following ways:

- The roof of the side extension could be pitched at the same angle as per the previous application leaving a side wall of 2.8m high as this would enable an element of sunlight, daylight and outlook to be retained to No.46.
- The roof of that part of the rear extension not occupied by the replacement balcony could be pitched to prevent it being used as a roof terrace and result in an extension more in keeping with the original Victorian architecture..

The Ward Councilor, Councillor Mitra, requested given the level of local concern that the application be considered by the planning committee.

Thames Water have raised no objections.

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a two storey mid terraced property located on the north side of Lincoln Road in the East Finchley ward. The property has an L-shaped footprint

created by an original two storey rear projection, which is duplicated on adjoining properties. The property is sub-divided into two self contained units which has been confirmed by Council tax records.

Proposal:

A planning application (our ref: F/03677/12) for a single storey side and rear and infill extension to ground floor flat. Alterations to rear terrace at first floor flat including new balustrading and alterations to stairs, access to garden. Replacement of boundary fence was considered by the East Area Planning committee on the 9th January 2013. The application was recommended for approval but was refused by members for the following reason:

"The proposed extension by reason of its bulk, mass and depth along the boundary with no.46 Lincoln Road would result in an overbearing feature detrimental to the residential amenity of 46 Lincoln Road and contrary to policy DM01 of the Barnet Adopted Development Management DPD (2012) and Design Guidance Note no.5 (extensions to houses)."

This application is now the subject of an appeal.

Following this refusal the applicant has submitted the current application which is for a single storey extension to the ground floor flat. Replacement of railings at 1st floor terrace and stairs to garden access.

The proposed extension would project rearwards 2.2m from the existing rear elevation. The proposed extension would be constructed adjacent to the boundary with No. 42 and would be set 0.8m off the boundary with No.46. The proposed extension would be 2.7m high but would have a small parapet wall on the side elevation adjacent to No. 46 giving a height of 3m in this location. The proposed extension will necessitate the replacement of an existing external staircase and small terrace which provides access for the first floor flat to their section of the rear garden. The proposed replacement terrace would be the same depth (0.9m) as the current terrace however it would be formed out of the roof of the proposed extension and would be created by the erection of railings.

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.

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.

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. Therefore in principle single storey side and rear extensions are considered acceptable.

The proposed height of the extension will be between 2.75-3m (at the top of the parapet wall). The proposed extension would be set 0.8m off the boundary with no. 46 (the previous proposal was on the boundary with this property) and therefore is not considered to result in a loss of daylight/sunlight or to be unduly overbearing. For these reasons, it is not considered that the amenity of neighbouring properties will be adversely affected.

The single storey rear extension complies 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 is not considered to have an adverse impact on the residential and visual amenities of neighbouring occupiers. Design Guidance Note no. 5 - Extensions to Houses states that single storey rear extensions to terraced houses projecting up to a maximum of 3m in depth along the boundary with a property will normally be acceptable. The proposed extension is set 0.8m off the boundary with no. 46 and would project 0.9m on the boundary with No.42 Lincoln Road. The proposal is therefore considered to be in accordance with Council guidelines.

Furthermore, it should be noted that if the property was still a single family dwelling unit (as both of the adjoining properties are) the proposed extension would be permitted development by virtue of Class A of part I of schedule 2 of the Town and Country Planning (General Permitted Development) Order 2008 (as amended).

The existing first floor flat has an external staircase and small terrace that enables access to their part of the rear garden area. There is no proposed change to the design and location of the external staircase. However, the existing terrace area would be re-provided on the flat roof of the proposed new extension by erecting railings on part of the new roof. The existing access arrangements would therefore be retained for residents of the first floor flat. A condition is recommended to ensure that the remaining roof area is only used for maintenance and is not incorporated into the existing terrace to create an extended amenity area for the first floor flat. This is considered to address concerns about overlooking and loss of privacy to adjoining properties.

The ground floor flat consists of 4 habitable rooms which requires the provision of 20sqm of amenity space. The proposed extension would result in a rear garden area of 33.45sqm and this is considered sufficient for the occupants and meets Policy 2.3 of the Council's draft SPD 'Residential Design Guidance' and is therefore considered acceptable.

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 with regard to the form, scale and architectural style of the original building which would be achieved through respecting the proportions of the existing house and using an appropriate roof form.

The proposals are considered to comply with the aforementioned policies and Council Design Guidance on Extensions to Houses and would be a proportionate addition to 44 Lincoln Road. It would have an acceptable impact on the character and appearance of the street scene, site property, general locality and the residential amenity of neighbouring occupiers.

3. COMMENTS ON GROUNDS OF OBJECTIONS

These have been considered in the planning appraisal. However, the following additional specific responses can be made:

- The proposed condition restricting the use of the flat roof as a balcony area is a standard condition that is applied to most single storey extensions considered by the Council and has proved effective in restricting their use.
- Amended plans have been submitted showing the side elevation to No.42 Lincoln Road.
- The height of the rear balcony will remain at its current height of 2.75m. A parapet wall on either side of the extension will have a height of 3m. The impact of this balcony area will therefore be the same as is currently experienced by the adjoining properties.
- A condition for boundary fencing to No.42 is recommended as per the previous application.
- Any application for a first floor extension would require the benefit of planning permission and would be considered on its own planning merits.
- The proposed extension is of a standard design that can be found on numerous similar properties throughout the borough.
- The proposed extension is much reduced in size from that previously proposed. As a result it is considered given the reduction in roof slope; the depths involved and the angles necessary that to require this area to be pitched would result in an awkward design that is unnecessary given the current design is not considered to adversely impact on the amenity of adjoining properties.

4. EQUALITIES AND DIVERSITY ISSUES

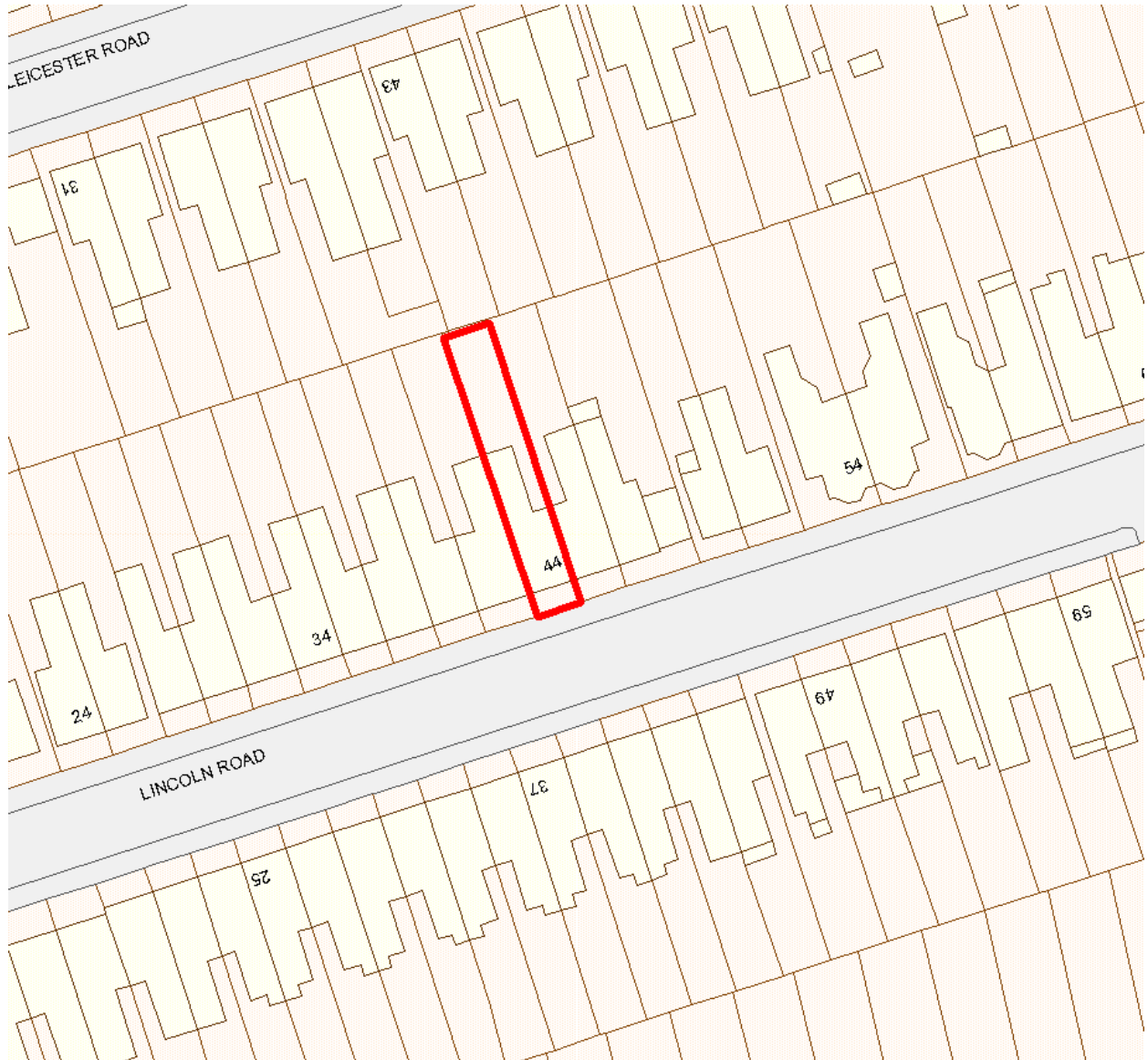
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

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/00367/13



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