

**Location**                    **1 Sunset View Barnet EN5 4LB**

**Reference:**                **18/3889/HSE**

Received: 22nd June 2018

Accepted: 22nd June 2018

Ward:                        High Barnet

Expiry 17th August 2018

Applicant:                 Mr Ahmet Eren

Proposal:                  Single storey side and rear extension following demolition of existing conservatory

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Service Director of 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 development hereby permitted shall be carried out in accordance with the following approved plans:

- Drawing A100 'Site and Location Plan'
- Drawing A101 'Existing Ground Floor Plans'
- Drawing A102 'Existing Roof Plan'
- Drawing A103 'Existing Front and Rear Elevations'
- Drawing A104 'Existing L-Side and R-Side Elevations'
- Drawing A105 'Existing Light Study (Section XX)'
  
- Drawing A106 'Proposed Ground Floor Plans'
- Drawing A107 'Proposed Roof Plan'
- Drawing A108 'Proposed Front & Rear Elevations'
- Drawing A109 'Proposed L-Side and R-Side Elevations'
- Drawing A110 'Proposed Light Study (Section XX) and Existing and Proposed Areas'

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 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s), including windows and doors, hereby approved have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 4 Before the building hereby permitted is first occupied the proposed windows in the side elevation facing No.3 Sunset View 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 2013).

- 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, of the extension hereby approved, facing No.3 Sunset View.

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).

- 6 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).

**Informative(s):**

- 1 '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'

## **Officer's Assessment**

### **1. Site Description**

The application property is a two-storey detached dwelling located at No.1 Sunset View. The property is located on the eastern end of Sunset view and shares a boundary with St Albans Road.

The application site falls within the Monken Hadley Conservation Area. The property is not listed.

To the rear, the host site adjoins the Old Ford Manor Golf Course which is in the Green Belt; however, the property itself is not designated as Green Belt land.

There are no tree preservation orders on site.

### **2. Site History**

Reference: 18/1072/HSE

Address: 1 Sunset View, Barnet, EN5 4LB

Decision: Refused at Committee

Decision Date: 4 July 2018

Description: Single storey rear extension. Part first floor and part single part two storey side extensions. Alterations to existing garage door

The previous application for a single storey rear extension. Part first floor and part single part two storey side extensions. Alterations to existing garage door was refused at Committee for the following reasons:

- The proposed two-storey side extension, by reason of its size, siting, height and the fenestration detailing including loss of the garage door would result in an obtrusive and uncharacteristic form of development highly visible within the streetscene which would disrupt the established character of buildings in the immediate locality, result in the loss of the garage door which is a common feature of this part of the Conservation Area and would reduce the gaps between the neighbouring properties reducing the glimpsed views through to and from the Conservation Area which are characteristic of the area. In this regard, the proposal is considered unacceptable, and would detract from the character and appearance of the host property and the wider area and would fail to preserve or enhance the character and appearance of the Monken Hadley Conservation Area, contrary to policies CS1 and CS5 of the Barnet Core Strategy (Adopted September 2012), policy DM01 and DM06 of the Barnet Development Management Policies Document (Adopted September 2012) policy 7.4 and 7.6 of the London Plan (2016) and the advice contained in the Barnet Residential Design Guide Supplementary Planning Document (Adopted 2016); and,

- The proposed two storey side extension by reason of its size, siting, height and relationship to adjoining neighbouring property would be unduly obtrusive and result in a harmful loss of outlook detrimental to the visual and residential amenities of the occupiers of N0.3 Sunset View. The application is therefore considered to be unacceptable and contrary to Policy DM01 of the Barnet Development Management Policies DPD (2012), Policy 7.4 and 7.6 of the London Plan (2016) and the guidance contained within the Barnet Residential Design Guidance Supplementary Planning Document (2016).

### **3. Proposal**

The proposal seeks to construct a single storey side and rear extension following the demolition of the existing conservatory.

The proposed side extension will infill the existing eastern side elevation, extending out from the flank elevation to be flush with the flank wall of the existing garage, with the majority of the side extension having a width of 0.4 metres, with a maximum infill on this side elevation of 2.8 metres where the existing gap between the garage and kitchen is to be infilled. The extension will extend a total depth of 13.7 metres, being a maximum depth of 3 metres beyond the original rear wall. The extensions ultimately seek to square-off the footprint of the ground floor of the existing building.

The difference between this proposal and the proposal that was refused under reference no. 18/1072/HSE is that this proposal is single storey only, and the garage door is being retained. Two storey element has been omitted from this scheme.

#### **4. Public Consultation**

Consultation letters were sent to 3 neighbouring properties.

8 responses have been received, comprising 7 letters of objection, and 1 representation.

The objections received can be summarised as follows:

- The proposal is not in keeping with the principle aims and intent of being a conservation area.
- The alterations do not enhance the conservation area
- The property is visible from public land and the proposed extension is out of keeping with the character of the existing house
- The use of UPVC windows is unacceptable in a conservation area
- Object to the loss of the arts and crafts fenestration to the existing conservatory
- The drawing fails to honour that new windows will be similar in appearance and no detail has been given around this matter
- The extension may comply with planning guidance but it is a divergence from the design of the rest of the house.
  
- The design of the extension with the expanse of bi-fold doors is out of keeping with the arts and crafts design of the host building.
  
- The property is subject to more stringent guidelines due to its location within the conservation area (p45, 8.1)
  
- The property to the east will experience a loss of light to the flank elevation windows serving primary living spaces on the ground floor.

A letter has also been received from Theresa Villiers MP contents of which expresses the following matters:

- If the scheme is allowed, the opportunity to have this property added to the Council's Schedule of Buildings of Local Architectural or Historic Interest will be lost
- More stringent planning guidelines should be applied due to this property being located within the conservation area.
- The application should be refused.

Council's Heritage Team was consulted regarding the previous application and raised no objections to the proposed extensions; however, they advised that the proposed materials must strictly match the existing property in order to mitigate any impact on the original character and appearance of the host site as well as the surrounding and wider conservation area. Based on this advice, and the reduced scheme that has been proposed, the team were not re-consulted as part of this application.

## **5. Planning Considerations**

### **5.1 Policy Context**

#### 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 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 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.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. 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. It is a material consideration in planning decisions. Similar material considerations are the Government's planning policy for traveller sites, and its planning policy for waste as well as Written Ministerial Statements where relevant to planning decisions.

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 and DM06.

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 DM06 relates to conservation and archaeology, and seeks to ensure that all proposals preserve or enhance the character and appearance of the conservation areas of Barnet.

### 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.

Monken Hadley Conservation Area Character Appraisal Statement (adopted January 2007)

- This character appraisal assessment includes information to explain and justify the Conservation Area status. It forms a basis for planning decisions in the area and provides the groundwork for any future policies and projects to preserve or enhance the area.

## **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 host site benefits from an original single storey garage of which has been converted into a habitable room but has retained the garage door, and a kitchen extension at the side facing the boundary of 3 Sunset View. The existing garage and kitchen are not joined, there is a gap of 0.87m between the two structures. Following a site visit to the application property, it is noted that the existing garage structure is sited 0.4m closer to the eastern neighbouring boundary (1.9m from the garage and 2.3m from the kitchen flank wall).

The proposed single storey side and rear extension will be constructed following the removal of the existing unsightly polycarbonate structure removed from the side access of the subject site, and will not extend any closer to the boundary shared with no. 3 Sunset View than the flank elevation of the existing garage. It should be noted that whilst undertaking a site visit, it was observed that the neighbouring property has a 3-metre-deep covering/shed located on the side elevation adjoining the shared boundary.

As the extensions are single storey, they are not considered to impact the amenity of the first floor of the neighbouring property.

The side and rear extension has been designed with a low height adjoining the boundary, being 2.7 metres, and are set away approximately 1.9 metres from the boundary shared with no. 3. This height is 0.2 metres greater than the existing sheltered side access, and



therefore given the extension is not any closer to the shared boundary, the impact on residential amenity is considered an improvement on the neighbouring property.

Furthermore, the setback of the side and rear extension from the shared boundary is considered to mitigate the potential impact this could have on the outlook of the neighbouring property; although not strictly part of the LPA's policies, the applicant has demonstrated the 45-degree line of sight from the closest rear elevation window of the neighbouring property, indicating that the outlook from the rear elevation will not be impacted through this proposal.

Due to the solar orientation of the proposed extensions in relation to the dwellinghouse and property at no. 3, the impact on sunlight and daylight access into this neighbouring property will be minimal as a result of the single storey additions. Particularly noting that despite the side and rear protrusion of 3 metres into the rear garden, any impact of this on sunlight access would likely be restricted to summer evenings where the level of sunlight is lower. The applicant has also demonstrated that the level of sunlight, daylight and natural light that is currently received by the windows on the flank elevation of no. 3 that face this property will not change as a result of the proposal.

The windows proposed to be included in the flank elevation are shown to be obscure glazed and therefore will not afford a greater level of overlooking and a loss of privacy experienced by no. 3 Sunset View. A condition has been imposed to ensure these are obscure glazed.

As the property is located on a corner site, all other surrounding residential properties are considered to be sufficiently removed from the additions, rendering any impact on residential amenity negligible.

For the abovementioned reasons, the impact of the proposed extensions on the residential amenity of surrounding properties will be acceptable.

### 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. Additionally, as the site sits within the conservation area, regard must be given to the wider impact of the proposal on the character of the surrounding area.

Sunset View lies on the eastern end of the Monken Hadley Conservation Area. It is noted that the street did not form part of the original Conservation Area and it was included at a later stage through extensions to the boundary of the conservation area. Sunset View benefits from a varied architectural styles and values. The properties along this stretch of land are different variations on arts and crafts themes and present a well-established character for Sunset View. It is noted that the properties are originally detached and tend to benefit from large gaps to neighbouring flank walls at first floor. This is mainly identified along the properties on the northern end of Sunset View. The relationship between the north facing properties allows for favourable views of the existing Green Belt and the Old Ford Manor Golf Course. It must be noted that there are no Statutory or locally listed buildings along Sunset View

With regards to the impact this proposal could have on the conservation area, it is stressed that policy DM06 seeks to preserve and enhance sites within the conservation area. Through the removal of the polycarbonate side access structures, the proposed scheme is considered to result in an improved aesthetic design on the subject site and thereby improving the contribution this building makes to the wider conservation area. . It is noted

that the proposed side extension at ground floor will not increase the width of the property towards the adjoining premises, as perceived from the street scene, thus maintaining the established gaps between the properties with views in an out of site. Additionally, through the removal of the existing polycarbonate covered side access on the subject site, the sense of openness and the gaps between the subject building and the building at 3 Sunset View will be improved.

The proposed side and rear extension will extend the entire depth of the existing host building, to square off the rear of the host building and will replace the existing conservatory extension on the rear elevation. The proposed single storey additions are considered moderate and subordinate addition to the host property and not considered to detract from the character and appearance of the property. Furthermore, it is noted that planning permission has been granted for a glazed rear extension at no. 14 Sunset View under reference no. 17/3744/HSE and whilst smaller in depth, a full width rear extension was granted at 9 Sunset View under reference no. B/02382/13. As such, it is noted that this area of the conservation area has several examples of rear extensions to properties, including those that can be seen from the golf course, and therefore the principle of such an extension in this immediate context is considered acceptable.

It is appreciated that the proposal includes a greater level of glazing along the rear elevation of the extension in comparison to the current rear elevation through the introduction of three sets of bi-folding doors; however, particular effort has been made to use a fenestration panelling to compliment the character of the existing building.

As the site adjoins the Old Ford Manor Golf Course, it is appreciated that there are views of the rear elevation from this space; however, this is not a public view point. Irrespective of the status of ownership of the golf course, the proposed extensions are considered sufficiently subordinate from the host building and have been designed to have an acceptable impact on the host building and the character of the conservation area, in addition to being designed in accordance with residential design guidance.

With regards to materials, the applicant has confirmed that the proposed materials will match the character and appearance of the existing property. It is noted that the proposed windows and doors are to be uPVC; although this is not a traditional material within a conservation area, it has been observed that several properties along Sunset View have replaced the original timber windows with uPVC windows, and it is further noted that the subject building currently includes uPVC windows and therefore this proposal would not be introducing a new material, nor would this be out of character for the wider conservation area. Notwithstanding this, a condition has been attached to ensure that the details of the materials to be used have been approved by the Local Planning Authority in order to safeguard the character and visual amenities of the site and the wider conservation area.

For the abovementioned reasons, the proposal is considered to have an acceptable impact on the character of the host building, the street scene and the wider conservation area.

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

The above planning assessment has given regard to the matters raised by objections and representations. The following comments are made in addition to the assessment above:

- Object to the loss of the arts and crafts fenestration to the existing conservatory

The conservatory does not form part of the original building, and therefore the loss of this is not considered to impact the conservation area or the original fabric of the building.

- The drawing fails to honour that new windows will be similar in appearance and no detail has been given around this matter

This is a matter that has been addressed above with respect to fenestration design and materiality. However, to emphasise it is considered reasonable to impose a condition requiring samples of materials to be submitted to the LPA for approval prior to works commencing.

- The property is subject to more stringent guidelines due to its location within the conservation area (p45, 8.1)

The more stringent guidance is with respect to the character of the building and additions within the conservation area; i.e. being another matter to be considered, however, the residential design guidance still holds weight in assessing the impact of a proposal on the residential amenity of a neighbouring property. As discussed above, the impact of the proposal is considered acceptable on all accounts.

- If the scheme is allowed, the opportunity to have this property added to the Council's Schedule of Buildings of Local Architectural or Historic Interest will be lost

This is not a material planning consideration, as the proposal must be assessed under the current planning context and framework and the LPA cannot assess the impact a proposal could have on the potential of a future listing, but rather must assess the impact of the proposal as has been done previously in this report.

## **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.

