

**Location**                    **10 And 11 Old Rectory Gardens Edgware HA8 7LS**

**Reference:**                **18/1250/HSE**                    Received: 26th February 2018  
Accepted: 28th February 2018

Ward:                         Edgware                                Expiry 25th April 2018

Applicant:                  Mr Syd Hathi

Proposal:                    First floor rear infill extension to both properties

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management 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:

RE/DA332/1 (received 26/02/2018)  
RE/DA332/2 (received 26/02/2018)  
Site Location Plan (received 26/02/2018)

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(s).

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 Before the building hereby permitted is first occupied the proposed window(s) in the rear elevation facing No.20 and No.22 Manor Park Gardens 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 rear elevation(s), of the extension(s) hereby approved, facing No.20 and No.22 Manor Park Gardens.

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).

#### **Informative(s):**

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) 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 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 with paragraph 189 of 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.

- 2 The plans accompanying this application are:

RE/DA332/1 (received 26/02/2018)

RE/DA332/2 (received 26/02/2018)

Site Location Plan (received 26/02/2018)





Decision: Prior Approval Required and Refused

Decision Date: 8 August 2016

Description: Single storey rear extension with a proposed maximum depth of 4.8 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Appeal: APP/N5090/D/16/3160163

Appeal Decision: Allowed

Date of Decision: 18 January 2017

Reference: 17/4057/HSE

Address: 10 Old Rectory Gardens, Edgware, HA8 7LS

Decision: Approved subject to conditions

Decision Date: 24 August 2017

Description: Part single, part two storey side and rear extensions following demolition of existing garage. Changes to fenestration

Reference: 17/1115/HSE

Address: 11 Old Rectory Gardens, Edgware, HA8 7LS

Decision: Approved subject to conditions

Decision Date: 31 March 2017

Description: Single storey rear extension. Part single, part two storey side extension. Associated roof alterations

Reference: 15/06584/PNH

Address: 11 Old Rectory Gardens, Edgware, HA8 7LS

Decision: Prior Approval Required and Refused

Decision Date: 19 November 2015

Description: Single storey rear extension with a proposed depth of 5.07 metres from original rear wall, eaves height of 3 metres and maximum height of 4 metres

Reference: 16/0659/PNH

Address: 11 Old Rectory Gardens, Edgware, HA8 7LS

Decision: Prior Approval Required and Refused

Decision Date: 22 February 2016

Description: Single storey rear extension with a proposed depth of 3.05 metres from original rear wall, eaves height of 3 metres and maximum height of 4 metres

Reference: 16/5219/PNH

Address: 11 Old Rectory Gardens, Edgware, HA8 7LS

Decision: Prior Approval Not Required

Decision Date: 9 September 2016

Description: Single storey rear extension with a proposed depth of 5 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: 16/6740/PNH

Address: 11 Old Rectory Gardens, Edgware, HA8 7LS

Decision: Withdrawn

Decision Date: 18 November 2016

Description: Single storey rear extension with a proposed depth of 5 metres from original rear wall, eaves height of 3 metres and maximum height of 4 metres

Reference: W01570C/02

Address: 11 Old Rectory Gardens, Edgware, HA8 7LS

Decision: Refused

Decision Date: 7 October 2002

Description: Two storey rear and side extensions in relation to conversion of premises into two self-contained flats.

### 3. Proposal

The proposal seeks planning permission for an 'infill' first floor rear extension at No.10 and No.11 Old Rectory Gardens.

The extensions will both measure approximately 2.8 metres in depth and 3.5 metres in width.

In order to allow for the proposed extensions, the proposal would include alterations to the existing roof form which would allow for a moderate crown roof to extend along both properties.

### 4. Public Consultation

Consultation letters were sent to 11 neighbouring properties.  
8 responses have been received, comprising 8 letters of objection.

The objections received can be summarised as follows:

- Previous objections have been ignored over the last years
- Further impact on privacy/ Loss of privacy
- Impact on security
- Out of character
- Overbearing
- Dominant
- Notifications for consultation not received/ No public consultation.
- Overdevelopment of site.

### 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.

## 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 London Plan is currently under review. 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 adopted 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.

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.

## 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 extensions 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

### Background

The current application seeks planning permission for a first floor rear extension to the properties at No.10 and No.11 Old Rectory Gardens. Following a site visit to the application site, it is noted that both properties are currently implementing extensions which have been granted under separate applications. The granted applications are as follows:

#### No.10 Old Rectory Gardens

Planning Reference: 17/4057/HSE

Description: Part single, part two storey side and rear extensions following demolition of existing garage. Changes to fenestration'

Date Decided: 24.08.2017

#### No.11 Old Rectory Gardens

Planning Reference: 17/1115/HSE

Description: Single storey rear extension. Part single, part two storey side extension. Associated roof alterations

Date Decided: 31.03.2017

During the consultation period for the current application, concerns were raised with regards to the construction work and the extent of development undertaken so far. Comments, received during the consultation process, addressed issues regarding the impact of the extensions on the visual and residential amenities of neighbouring occupiers, especially those to the rear along Manor Park Gardens.

It must be noted that the above mentioned applications were determined by taking into consideration previous applications and permitted development fall back positions. The paragraphs below provide a short history relating to the two properties.

#### No.11 Old Rectory Gardens

The host site at No.11 benefits from a number of previous planning applications.

A prior approval application (16/5219/PH), for a single storey rear extension measuring 5 metres in depth, 3 metres to the eaves, and 3 metres in maximum height, was submitted in August 2016. As part of the prior approval process, the adjoining properties, which share a boundary with No.11 Old Rectory Gardens, were consulted for 23 days. No objections were received.



It is noted that the property at No.11 already benefitted from a single storey rear extension which extended the full width of the original property. Additionally, both properties at No.11 and No.10 benefit from two storey rear outriggers which partially project past the original rear walls.

The extension, under reference 16/5219/PNH, would have extended past the existing outrigger. The proposed depth of 5 metres would have allowed the extension to abut the boundary with the neighbouring property at No.22 and No.24 Manor Park Gardens. As per permitted development regulation, if no objections are received during the consultation period, the application would not require prior approval and may be implemented on or before the 30th of May 2019.

A further application (17/1115/HSE) was subsequently submitted in February 2017 at No.11 for a part single storey rear extension, and a part single part two storey side extension. It is noted that the proposals for the single storey side and rear extensions partially included the single storey rear element which could have been implemented under prior approval 16/5219/PNH. The application was granted planning permission.

The proposed single storey element increased the foot print at ground floor by a maximum of approximately 71m<sup>2</sup>. This was compared to a total addition of 30m<sup>2</sup> if the prior approval extension (16/5219/PNH) was to be implemented on its own.

Whilst the difference in footprint was acknowledged, it was considered that the associated single storey side and rear element would have been set back from the rear boundary with No.22 and No.24 Manor Park Gardens by a maximum of approximately 1.4. It was considered that the set-back from the neighbouring boundaries would mitigate overbearing and visually intrusive impacts towards neighbouring occupiers.

On the other hand, the proposed first floor side extension was considered to comply with the Council's Residential Design Guidance (SPD) and was not considered to cause material harm to the visual and residential amenities of neighbouring occupiers.

#### No.10 Old Rectory Gardens

A Prior Approval Application (15/06585/PNH) was submitted in 2015 and refused on the 7th of December 2015. The prior approval sought permission for a single storey rear extension measuring 5 metres in depth, 3 metres to the eaves, and 4 metres in maximum height.

As per above, the proposed extension would have projected past an existing two storey outrigger. The overall depth would have allowed the element to abut the boundary with the neighbouring property to the rear at No.20 Manor Park Gardens. The application for prior approval was refused and the reason for refusal read as follows:

The proposed single storey rear extension by reason of its size, siting and rearward projection is considered to create unacceptable harm to the character and appearance of the area and the visual amenities of the neighbouring occupiers contrary to policies CS1 and CS5 of the Barnet Core Strategy, policy DM01 of the Development Management Plan DPD and the Barnet Residential Design Guidance SPD.

A further application for prior approval was submitted, with reference 16/4437/PNH, for a single storey rear extension measuring 4.8 metres in depth, 3 metres to the eaves, and 3 metres in maximum height. The application was refused permission and the reason for refusal read as follows:

The proposed single storey rear extension by reason of its size, siting and rearward projection is considered to create unacceptable harm to the character and appearance of the area and the visual amenities of the neighbouring occupiers contrary to policies CS1 and CS5 of the Barnet Core Strategy, policy DM01 of the Development Management Plan DPD and the Barnet Residential Design Guidance SPD.

Subsequently, an appeal was allowed, under reference APP/N5090/D/16/3160163, for the single storey rear extension measuring 4.8 metres in depth, 3 metres to the eaves, and 3 metres in maximum height.

Due to the relationship with the neighbouring properties at No.9 and No.11, it was not considered by the Planning Inspector that harm would be caused to the neighbouring residents.

With regards to the impact on No.20 Manor Park Gardens the Inspector states in Paragraph 13 of the Appeal Decision:

'Given the relatively low height of the proposed extension, the existing boundary treatment and the distance to the rear of No.20, I do not consider that the proposed extension would cause any demonstrable harm to the living condition of the occupants at No.20. Although the proposed extension may be seen above the intervening fence this does not suggest there would be any material loss of privacy or overlooking, particularly given the height of the proposed extension relative to the boundary treatment and distance to the rear elevation of No.20.'

With regards to character, the Council indicated that the extension would not be subordinate to the host dwelling and due to the proximity to the neighbouring rear boundaries it would be like no other in the locality which would harm the character and appearance of the area.

The Inspector stated in Paragraphs 14 and 15 that, whilst it was recognised that the siting of the extension relative to the rear boundary would appear unusual in the area, the appeal property did benefit from a shallower rear garden and that any reasonable extension would need to be positioned closer to the rear boundary.

Taking the above into consideration, the Inspector stated in Paragraph 20 that 'Taking into account the above factors and in particular, the relations of the proposed extension to existing development; the presence of well-established boundary treatment in the locality; its single storey height and the fact that it would not be readily seen from any public views leads me to conclude that the proposed extension would not cause any overbearing, overshadowing, or loss of outlook impacts that could reasonably be interpreted to have a detrimental effect on the amenity of adjoining premises.'

Following Appeal APP/N5090/D/16/3160163, the application 17/4057/HSE was submitted for a part single part two storey side and rear extension. The approved extensions are currently being implemented on site. In this instance, it is noted that the proposed single storey side and rear element partially incorporates the approved extension under appeal APP/N5090/D/16/3160163. Whilst it was recognised that the footprint of the extensions at ground floor would be larger, it was acknowledged that the additional elements to the side elevation facing No.9 and as well as along the boundary with No.11 would have been adequately set back from the rear boundary and would have not appeared overbearing. It was further recognised that the maximum height of the rear elements closest to the boundary with No.20 would have measured a maximum of 2.7 metres; thus appearing

subordinate against the rear boundary with No.20 Manor Park Gardens and mitigating harmful overbearing impacts.

With regards to the first floor side element, it was considered that due to the adequate separation from neighbouring boundaries, as well as a subordinate design, there would have been no significant loss of privacy or overlooking to a level which would materially detriment the amenity of neighbouring occupiers.

#### Proposed Extensions for No.10 and No.11 Old Rectory Gardens

With the benefit of a site visit, it is recognised that both properties are set -back along the party wall from the furthest rear elevation. Following the implementation of the granted planning applications, this original character feature would still remain. The current application seeks to infill the properties at first floor and allow for a flush rear elevation at both properties. The proposed extensions at first floor would allow for a walk-in wardrobe and en-suite bathrooms.

Approval has already been given for extensions of significant size, particularly at ground floor, taking into account permitted development fall back positions.

The proposed extensions at first floor would benefit from an overall depth of 2.8 metres from the original rear wall and a maximum width of approximately 3.5 metres; for a total width of approximately 7 metres.

On balance, due to the nature of the proposed extensions at first floor, it is not considered that the proposals would impact on the visual and residential amenities of the occupiers at No.10 and No.11 Old Rectory Gardens.

The extensions would be set-back by approximately 5.2/5.4 metres from the rear boundary with the neighbouring properties at No.20 and No.22 Manor Park Gardens. It must be noted that, as existing, the host properties benefit from two large windows to the rear directly facing the neighbouring dwellings. Whilst it is acknowledged that the building line will be pushed closer to the rear boundary, it is not considered that an additional depth of 2.8 metres will increase views to a level which would materially harm the residential amenity and privacy of neighbouring occupiers. It is further noted that the proposed windows would serve two bathrooms. A condition has been attached to ensure that the window will be obscure glazed in order to mitigate overlooking and privacy impacts towards neighbouring occupiers.

The proposed extensions at first floor will not project past the rearmost building lines at first floor at No.10 and No.11 Old Rectory Gardens. Taking into account the orientation of the neighbouring premises at No.9 and No.12 Old Rectory Gardens with relation to the rear elevation of the application sites, it is not considered that the extensions will cause harm to visual and residential amenities of the neighbouring occupiers. This is due to the fact the first floor infill extensions will not be visible from the neighbouring premises.

Planning officers acknowledge that the previous extensions that have been approved at 10 and 11 Old Rectory Gardens has enlarged the original buildings quite considerably. At 10 Old Rectory Gardens, an appeal was allowed following the refusal of a prior approval notification application. Allowing the appeal permitted an extension with a depth of 4.8m. At the same time as the prior approval application at 10 Old Rectory Gardens, an application at 11 for a deeper extension was approved following the receipt of no objections during the consultation period. Later in 2017, a two storey side extension was permitted at the property utilising the wide side garden area. The first floor extension would be situated above an

existing building at the side, would be set down from the ridge line and would be no more than half the width of the dwelling. As such, that extension would be policy compliant. A similar extension at 10 Old Rectory Gardens was approved on the basis that it would balance the pair of properties. The proposed side extensions are not considered to be harmful to the character and appearance of the properties, the wider area or amenity. What is considered harmful and which the local planning authority has no control over is the impact of the single storey rear extensions which have more or less infilled virtually the whole space between the rear of the properties and the rear boundary.

While the rear extensions at the first floor level provide additional volume and massing to the buildings, it is considered that this does not give rise to the same visual or neighbour amenity harm that arise from the Prior approval extensions. While the properties have been substantially extended and enlarged by sequential applications, the proposed development now to the rear does not bring the development nearer to the rear boundary, does not increase the height or width of the building, does not install any new clear glazed windows and as a result, is of neutral impact on the surrounding sites. Notwithstanding this, the current proposal to infill the existing gaps to the rear at first floor level will not lead to a material increase in bulk to the rear elevation at first floor. As stated, the extensions will not project past the rearmost elevation at first floor therefore allowing for flush elevations. As such, the extensions are considered to appear as subordinate additions which respects the size, massing, and bulk of the properties without becoming overly-dominant and obtrusive features.

It is noted that a number of properties within the immediate vicinity benefit from extensions at first floor level. This has been identified at No.20 and No.28 Manor Park Gardens where both properties benefit from larger first floor side and rear extension at first floor. It is therefore considered that the proposed infill extension will remain in-keeping with the character of the local surroundings and will not harmfully impact on the established pattern of the development.

Overall, taking into account the comments above, it is considered that the proposed extensions, under the current application 18/1250/HSE, will appear subordinate in size, massing, and siting and will not cause harmful impacts to neighbouring occupiers by appearing overbearing, obtrusive and causing harm to neighbouring privacy.

#### 5.4 Response to Public Consultation

Comments have been received with regards to planning procedures and how these have been implemented throughout the course of separate applications at No.10 and No.11 Old Rectory Gardens. These concerns have been taken into consideration as a separate matter and have been dealt elsewhere.

Further comments have addressed concerns with regards to the impact on security. The subject of the current planning application are the proposed extensions at first floor. It is not considered that the addition of the proposed extension would materially impact on the neighbouring occupiers by increasing security risks.

A separate application has been submitted for new boundary fences to the rear of properties at No.20, No.22, and No.24 Manor Park Gardens.

#### 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.

