

Location **92 Bedford Avenue Barnet EN5 2ET**

Reference: **18/5301/HSE** Received: 29th August 2018
Accepted: 17th September 2018

Ward: Underhill Expiry 12th November 2018

Applicant: Mrs Sally Nash

Proposal: Single storey rear extension

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – 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: 552-01, 552-02, 552-05, 552-03d and 552-04d

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 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).

- 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 flank elevation(s), of the extension(s) hereby approved, facing N0 94 Bedford Avenue.

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 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. A pre-application advice service is also offered. 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

Councillor Roberts have called this application in for the reasons of over development, intensification and bulk of the proposed development.

1. Site Description

Councillor Roberts have called this application in for the reasons of over development, intensification and bulk of the proposed development.

The application site is a two storey semi-detached single family dwellinghouse located along Bedford Avenue. The road slopes downwards from north to south. As a result N0 94 is sited at a lower level and N090 at a higher level than the application site. The levels also drop downwards from front to rear of the site (east to west). The property benefits from a 3m deep single storey rear extension and roof extensions.

The property is not listed and does not fall within a designated conservation area.

2. Site History

Reference: N12102A/00

Address: 92 Bedford Avenue, Barnet, EN5 2ET

Decision: Approved subject to conditions

Decision Date: 14 March 2000

Description: Retention of rear extension and raised patio including modification to height of patio and boundary wall.

Reference: N12102

Address: 92 Bedford Avenue, Barnet, EN5 2ET

Decision: Approved subject to conditions

Decision Date: 29.05.1999

Description: Single-storey rear extension

3. Proposal

The applicant seeks permission for the erection of a single storey rear extension which will partly extends sideways of the flank wall of the existing extension. The proposed extension will be an addition to the existing 3m deep rear extension.

The proposed single storey rear extension will extend 3.5m from the rear of the existing addition giving an overall rearward projection of 6.5m in to the rear garden from the original rear wall. The proposed extension would extend a metre sideways of the flank wall of existing extension extending rearwards to a full depth of 6.5m. The proposal would have a height of 4 metres.

There are no windows proposed in the flank walls of the proposed extension only a set of doors and steps leading down to the rear garden and a window in the rear wall of the existing extension.

4. Public Consultation

Consultation letters were sent to 4 neighbouring properties.

1no objection has been received. It can be summarised as below

- The existing rear extension at No 92, is already of considerable size in itself and quite imposing
- The proposal is not in keeping with the majority of existing developments or surroundings including the extension at No 90
- disparity in height between the neighbouring buildings
- Not significantly amount of sound deadening/sound proofing
- main sewage (soil stack) - existing or new, is NOT detailed on the drawings submitted
- The applicants hold deeds of purchase which include covenants (in perpetuity) that prevent them from building over, or on any part of their shared driveway/ party wall
- The immediate area outside the proposed extension/patio or decking areas may cause overlooking

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.

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

Character and appearance on the host dwelling, the wider locality and the street screen

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

The street is largely characterised by two-storey semi-detached dwellings. It is noted that majority of the surrounding properties within the vicinity of the application site benefits from single storey rear extensions including outbuildings and roof extensions similar to the extension proposed at the host property including a 2 storey rear extension at N098.

The proposal is considered to afford subordination to the original building and is considered to have an acceptable impact and relate well to other extensions and considered to be in keeping with the local character of the area.

The curtilage of the site maintains a large rear garden therefore not considered to be an overdevelopment of the site. Any potential harm that could be perceived on the character and appearance of the host building and those properties immediately adjacent to the site is considered to be minimal, given the existence of other extensions and the modest size of the proposed extension this is not considered to be adversely harmful to the immediate character of the area.

Neighbour Amenity

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.

It is noted that given the sloping of the road no 94 the attached property sits at a lower level than the application property. The application property and this neighbouring property both benefit from a 3m deep single storey rear extension. It is appreciated that the

proposed extension would be an addition to this existing extension giving an overall depth of 6.5m. Whilst this may be construed as contrary to the councils design guidelines which stipulates that extensions to semi detached properties should not be more than 3.5m along the neighbouring boundary the proposed extension would be set in 2.5m from the boundary of this property and would only extend 3.5m from the rear building line of this neighbouring extension. Therefore given the distance maintained from the boundary of no 94 the proposal and the fact that the extension only extends 3.5m beyond this neighbour it is not considered this would have any appreciable adverse impact on this neighbours amenity in terms of overbearing impact, sense of enclosure, loss of light.

N094 sits to the south of the application property which benefits from morning sunlight to the front and afternoon sunlight to the rear all day therefore given the orientation of the sun it is not considered there would be any impact on overshadowing or loss of sunlight to this property.

No windows are proposed in the flank wall facing this property and there is no raised patio therefore not considered to result in any overlooking or loss of privacy.

There would be no additional noise or disturbance associated from the proposed rear extension.

On the other side N090, detached side, which sits at a higher level than the application site also benefits from a single storey rear extension. In addition this property also benefits from a detached garage building measuring 9m deep along the application boundary and therefore the proposed single storey rear extension would not be viewed from this neighbouring garden. Furthermore, the proposed sideward extension would be set off this boundary by 0.8m and 2.5 from this neighbours flank wall and would only run 6.5m along the depth of the existing 9m deep garage wall. Given the proposed extension along this neighbouring boundary would be completely screened by the garage building there would be no impact on the residential amenities of this neighbour.

Given the above the proposal is not considered to have any appreciable adverse impact on the amenities of neighbouring properties and the proposed extension is considered acceptable.

5.4 Response to Public Consultation

Mainly addressed in the above appraisal however following comments can also be made as follows:

- Not significantly amount of sound deadening/sound proofing, This is not a planning matter and will fall under Building Control
- The main sewage (soil stack) - existing or new, is NOT detailed on the drawings submitted. This is not a material planning consideration these matters are generally regulated under building control legislation.
- The applicants hold deeds of purchase which include covenants (in perpetuity) that prevent them from building over, or on any part of their shared driveway/ party wall. Covenants are not material planning consideration and there is no encroachment on to neighbours land

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 planning 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 wider locality Area. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.

