

Location **124 Whitehouse Way London N14 7LU**

Reference: **19/5135/HSE** Received: 20th September 2019

Accepted: 24th September 2019

Ward: Brunswick Park Expiry 19th November 2019

Applicant: Mr Gavril Ciuban

Proposal: Demolition of existing garage and construction of two storey side extension, single storey rear extension and formation of lower ground floor with new access steps

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:

219125/PA/001

219125/PA/110

219125/PA/120

219125/PA/121

219125/PA/130

219125/PA/131

219125/PA/140

219125/PA/010

219125/PA/020

219125/PA/030

219125/PA/031

Architectural Design and Access Statement

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 ground and first floor side elevations elevations, of the extensions hereby approved, facing no. 122 or 126 Whitehouse Way.

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 and the Applicant engaged with this prior to the submissions of this application. 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.

- 2 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.

Officer's Assessment

1. Site Description

The subject property is a semi-detached single family dwelling located on the south western side of Whitehouse Way on a prominent location close to junction of Whitehouse Way and Hampden Way. The road is residential in character with properties varying in styles, size and design.

The application site forms part of a group of 'art deco' villas, design including flat roof and a bay window feature which is shared by each pair of properties. Many properties along this road have been extended to increase the living accommodation whilst altering the 'art deco' features.

Levels rise from north west to south east resulting in the subject property being set down at a lower level than the neighbouring property, No.126 Whitehouse Way. There is also a change in ground levels from north east to south west which means the site slopes downwards from front of the property to the rear garden.

The application site is not located within a conservation area and is not a listed building.

2. Site History

Reference: 18/6559/HSE

Address: 124 Whitehouse Way, London, N14 7LU

Decision: Refused

Decision Date: 28 December 2018

Description: Part single, part two storey side and rear extension following demolition of the existing garage. Formation of lower ground floor level with new access steps. Erection of garage to rear

Reason for refusal: The proposed two storey side and rear (ground and lower ground) floor extensions, by reason of their size, mass, bulk, design and siting would cumulatively result in a visually obtrusive form of development, severely unbalancing the pair of properties of which the application site forms part detrimental to the character and appearance of the application property and the general street scene contrary to Policy DM01 of the Development Management Policies Plan (2012), Policy CS5 of the Local Plan Core Strategy (2012), and the Local Plan Supplementary Planning Document Residential Design Guidance (October 2016)

Reference: 19/8279/QCK

Address: 124 Whitehouse Way, London, N14 7LU

Decision: Pre-application advice issued

Decision Date: 3 September 2019

Description: Part single, part two storey side and rear extension following demolition of the existing garage. Formation of lower ground floor level with new access steps. Erection of garage to rear

Reference: B/01348/08

Address: 124 Whitehouse Way, London, N14 7LU

Decision: Refused

Decision Date: 4 July 2008

Description: Two storey side and single storey rear extension.

Reason for Refusal: The proposed developments, by reason of their size, mass, bulk, design and siting are considered to result in a visually obtrusive form of development,

severely unbalancing the pair of properties of which the application site forms part detrimental to the character and appearance of the application property and the general street scene contrary to policies GBEEnv1, D1, D2, D7 and H27 of the Adopted London Borough of Barnet Unitary Development Plan (2006) and Supplementary Design Guidance Note 5: Extensions to Houses.

Reference: N13231A/03

Address: 124 Whitehouse Way, London, N14 7LU

Decision: Refused

Decision Date: 31 March 2003

Description: Two-storey side extension and part one, part two storey rear extension and conversion of property into 4no. self-contained flats.

3. Proposal

Demolition of existing garage and construction of two storey side extension, single storey rear extension and formation of lower ground floor with new access steps

The proposed part single and part two storey side extension would follow the demolition of the existing detached garage. The proposed wrap around ground floor side and rear extension would have a depth of 9.1 metres which includes a projection of 1.7m to the rear along the boundary with N0126 Whitehouse Way and 3.5m along the attached boundary with N0122.

The first floor extension would be set down from the highest point of the house by 0.4m have a height of 5.4 metres from the ground floor to the top of the flat roof, a width of 3.1 metres and a depth of 5.4 metres. The proposed first floor element would be set in off the boundary with N0126 a minimum of 1.4m and set back from the front building line by 1.3m.

The proposed basement would have a depth of the 8.9 metres 9.3 metres wide with a staggered shape accommodating a cinema room and play room. The basement would sit directly beneath the ground floor extension.

New access steps are proposed to give access to the new lower ground floor level up to the garden.

4. Public Consultation

Consultation letters were sent to 2 neighbouring properties.

3 responses have been received, comprising 3 letters of objection.

The objections received can be summarised as follows:

- effect on nature conservation and loss of trees
- previous approval on neighbouring site
- loss of light/overlooking and loss of privacy
- two ground floor windows on side elevation
- soil pipe
- demolition of garage
- the use of front driveway would cause loss of light
- boundary line disputes
- overbearing
- drain and waste issues

- whether the use would be appropriate from the area/ noise and disturbance resulting from a use/ effect on traffic and access and parking
- asbestos
- HMO
- clay foundation

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 revised National Planning Policy Framework (NPPF) was published on 19th February 2019. 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. 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

This application follows a number of previous refusals as detailed above. The proposed application has attempted to overcome the previous reason for refusal and is assessed as follows:

The refused application was also appealed by the applicant which was dismissed in April this year. The inspectors report would form part of the material consideration of this application.

The previous application was refused due to the 'proposed two storey side and rear (ground and lower ground) floor extensions, by reason of their size, mass, bulk, design and siting would cumulatively result in a visually obtrusive form of development, severely unbalancing the pair of properties of which the application site forms part detrimental to the character and appearance of the application property and the general street scene contrary to Policy.

The inspector agreed with the reason for refusal and agreed 'development should respect local context and distinctive local character, the inspector goes on to state that Council's SPD requires that extensions should normally be subordinate to the original house.' The applicant has taken these point into consideration and has attempted to overcome the reasons for previous refusal. This application has been amended and the differences between this and the previously refused scheme is as follows:

1. reduced width and depth of the two storey side extension
 2. reduced visual appearance of the lower ground level
 3. the garage that formed part of the previous application (ref: 18/6559/HSE) has been omitted from this proposal
 4. improved design to reflect the original features of the existing dwelling
- which are discussed in detail below

Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

Side extension

The residential design guidance states 'Side extensions should not be more than half the width of the original house. In addition, the setting back of the front wall of side extensions from the front building line can help to reduce the visual impact on the street scene. First floor side extensions should normally be set back 1 metre from the front main wall of the existing house.' It goes on to say 'In order to reduce the visual impact of two storey or first floor side extensions, there should normally be a minimum gap of 2 metres between the flank walls of properties at first floor level'.

The proposed two storey side extension has been reduced in width from 3.8 metres to 3.1 metres to ensure the side extension is not greater than half the width of the original dwelling. The proposed ground floor element depth has been reduced so that it does not project the full depth of the side elevation which reduces the visual appearance and the mass when viewed from the streetscene.

The proposed first floor element has also been reduced in width and now has a depth of 5.4 metres reduced from 6.9 metres and is set back 2.2 metres from the front elevation and 0.4 metres from the main roof. The proposed two storey side extension would be visible from the street scene and it is considered the proposed smaller scheme would present a more subordinate extension which would not detract from the character of the existing house. The residential design guidance stipulates a set down of 0.5 metres from the main roof, on this occasion the 0.4 metres set down is considered acceptable as it mirrors the height of the bay element of the original house.

It is noted that this proposal would alter the design of the 'art deco' property, however it matches the original design of the house. Furthermore it is noted that other properties on the street have also been extended in various forms which alter the design of the original dwelling.

For example, No. 118 and 120 Whitehouse Way who proposed erection of pitched roof with dormers to the rear and side under ref: 14/07881/HSE which would completely alter the character of the 'art deco' design was refused by the local planning authority, however this was allowed by the inspectorate stating 'By contrast the appeal properties are one of

three pairs of semi detached dwellings that sit close to the junction of Whitehouse Way and Hampden Way and differ in appearance owing to their flat roof, art-deco design, unusual in the locality' the inspector went on to say 'Whilst the proposed roof extension would cause significant change to the appearance of the host dwellings, the incorporation of the hipped design with side dormers and the retention of front bay windows would be in keeping with design features found elsewhere along the street.'

The proposed development at no.124 Whitehouse way would still be retaining the design and character of the dwelling, furthermore the additional side extension is proposed with a design that mirrors the existing design and therefore protecting the character and appearance of the dwelling.

Within the Design and Access Statement the agent states there would be a separation of 5.7 metres between the flank walls of the host property and no. 126 Whitehouse Way. The plans as measures show a distance of 2 metres at the front and 1.3 metre off the boundary to the rear. It was also noted that there was an element of unbalancing the pair of semis on the previous refusal, however the reduced width extension and set back from the front elevation proposes a more subordinate extension. It is also noted that the attached semi no.122 Whitehouse Way does not have availability of land to be able to extend to the side as per the application site.

Ground and lower ground

Barnet's Residential Design Guidance SPD states the following 'Any exposed area of basement should be subordinate to the property being extended and respect its original design and proportions. The length of any visible basement wall should not dominate a property nor extend its full width.

The design of the lower ground element has been reduced significantly to produce an extension that does not extend the full depth of the dwelling. The proposed basement level has been reduced in width from 10.4 metres to 8.9 metres with a maximum depth 9.3 in a staggered form. This area would facilitate a cinema room and a play room. The basement would sit directly beneath the ground floor extension.

It is considered the principle of a basement extension is acceptable with previous approvals at the neighbouring site no. 126 and more recently in 2018 at no. 34 Whitehouse Way, however, it is considered each application must be determined on its own merits. As noted above The application site has a change in levels sloping downwards towards the rear. The proposed basement extension would be partly visible from the rear elevation with a sunken effect therefore appearing subordinate to the dwelling. The residential Design Guidance states 'lightwells should be located away from the property boundary to enable a planted boundary to be maintained. They should be proportionate to the building they relate to. Open lightwells and sunken terraces will be resisted. It goes on to state 'Illumination and light-spill from a lightwell can harm the appearance of a garden setting and cause nuisance to neighbouring properties. This will be taken into account when planning applications are considered. They should not harm any nearby trees, restrict future planting and mature development of trees typical of the area. It should be possible to establish and maintain hedges following construction of a basement. Forecourt parking arrangements should be considered carefully as light to basement windows can be severely restricted.'

The proposed lightwell is situated to the rear considered to relate appropriately to the site and is surrounded by planting and is set away from the boundary.

The proposed ground floor extension would be positioned directly above the basement extension and would have a projection of 3.5 metres along the attached boundary with

N0122 which would be in line with the advice stated within the Residential Design Guidance for semi-detached properties.

Behind the existing garage there is a raised patio area which is built to the boundary with no. 126. The proposal involved making improvements to this area whilst keeping the same levels as existing and would not extend to the attached boundary with no. 122. This is not considered to detract from the character of the locality.

The proposed development is not considered to cause harm 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

The previously refused application did not identify potential harm to the neighbouring properties.

The proposed extensions are not considered to harm the amenity of no 126. The proposed first floor extension would be set over 1metres from the boundary, furthermore, it is considered given the low height of the proposed first floor element and no windows proposed in the first floor side elevation, and the fact this neighbouring property is set on higher ground level to the host property these factors would mitigate any impact on the amenity of this property. It is noted that N0126 benefitted from a previous approval for two storey side extension and a basement which were not implemented and the permission has lapsed. Whilst this is noted this application has to be assessed as it stands on the ground at the time of the site visit therefore restrictions of any future extensions to neighbouring properties cannot be taken into consideration under this application.

This neighbouring property has a single storey extension close to the boundary with the host property, therefore the proposed extensions are not considered to give rise to harm to the amenity of this property. The proposal would have two small windows to the side elevation facing N126 one facilitating a WC and the garage. It is not considered these windows would give rise to overlooking or loss of privacy for this neighbouring property.

Furthermore the neighbouring property at no. 126 has a flank wall which runs adjacent to the proposed extension. It is noted that there is a side window in this flank elevation, however, this currently looks towards the existing garage, the proposed extension will be set further off the boundary than the garage. It is appreciated that the proposal will involve a first floor addition, however, this is not considered to result in a harmful impact due the distance maintained and the secondary nature of this window.

The proposed rear extension (basement and upper ground floor) would have a depth of 3.5 metres from the rear wall set off 0.2 metres from the boundary with no. 122 who has not extended to the rear. It is considered given the depth is within the recommended guidelines, no harm would be caused to this neighbouring property in terms of loss of light and privacy. The rear extension is not considered to have a detrimental impact on the amenities of neighbouring occupiers. The proposed patio giving access to the garden will have a depth of 1.2 metres and would be set off the boundary with no. 122 by 3.5 metres with a height of 1.7 metres from the lower ground level.

The application site benefits from a first floor balcony which forms part of the local characteristic, this allows for a level of overlooking between the properties. It is not considered the proposed extensions would increase the level of overlooking to a level that would warrant a refusal. It is also noted that the proposal would be demolishing the garage

which is built to the boundary with No.126 creating an extension that is set further away from the boundary which is considered to improve the relation between the two dwellings.

Overall, the proposal to the main house are not considered to have any appreciable adverse impact on the amenities of the aforementioned neighbouring properties in terms of daylight, sunlight, privacy, noise, disturbance and outlook for adjoining occupiers and considered acceptable.

Whilst it is acknowledged there are examples of extensions in Whitehouse Way, each case must be assessed on its own merits.

Environment and Wildlife

At the time of writing this report no comments had been received from the Ecology team. Updates will be provided within the addendum.

Trees

The site has not been identified to have any TPO's and is not within a conservation area therefore the removal of trees is not restricted.

Parking

The application site still has a garage as part of the development and parking is available to the front of the site as well as the main road which is not within a controlled parking zone.

HMO

The proposal does not seek permission to convert or change the use from a single dwelling house, therefore this concern from neighbouring properties cannot be taken into account. What happens in the future is not a material consideration and any application involving a change of use to a HMO would require the benefit of separate planning application.

Untidy Land

It is noted that complaints have been logged with the planning enforcement team regarding untidy land which would be looked into accordingly.

5.4 Response to Public Consultation

The comments of objection have been noted and assessed within the report. There were an extensive list of comments however only those that are planning related have been summarised in the report.

-Loss and removal of tree's which has resulted in a loss of privacy - This application does not propose removal of trees as stated on the application form there will be no trees or hedges removed or pruned in order to carry out the proposal. The assessment can only assess the proposals in this application.

-Issues of noise safety, soil pipe, structural issues, Clay foundation, Asbestos - structural issues would be assessed by building control

-Asbestos the applicant would be required to provide details regarding asbestos on the site before demolition.

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.

