

**Location**                      **Land Rear Of Woodland Drive And West Walk, East Barnet, Barnet  
EN4 8NU**

**Reference:**                      **20/1098/FUL**                      Received: 27th February 2020  
Accepted: 27th February 2020

Ward:                              Brunswick Park                      Expiry 23rd April 2020

Applicant:                      Mr Freed Developments

Proposal:                      Erection of a conservatory to the rear of each of the 5 houses

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 their 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:

1180 P 10, 1180 P 11, 1180 P 40 REV B, 1180 P 30, 5932 P 01 REV A, Planning 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 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 elevations, of the extensions hereby approved.

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).

- 5
- a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.
  - b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
  - c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

### **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 site, a triangular site previously used as allotment land is located between West Walk, Woodfield Drive and Uplands Road. The development that is the subject of this

report is currently accessed via a private road from West Walk. This road also serves garages that belong to properties on West Way.

It should be noted that the 5 houses have previously been approved under planning permission reference 18/1689/FUL. This scheme has been substantially implemented however the access arrangements are to be made good as well as providing landscaping details.

The site is not within a conservation area and is not listed.

## **2. Site History**

18/1689/FUL - Construction of 5 no. two storey terraced dwelling houses including accommodation in the roof. Provision of 8 no. off-street parking spaces, associated refuse storage and amenity space and replacement allotments. Creation of new pedestrian access on Uplands Road. Approved: 25/10/2018 (Planning Committee)

16/4682/FUL - Construction of 5 no. two storey terraced dwellinghouses. Provision of 8 no. off-street parking spaces, associated refuse storage, amenity space (Including allotments) - Approved: 17/10/2016 (Planning Committee)

15/02741/FUL - Construction of 5 no. two storey terraced dwellinghouses. Provision of 8 no. off-street parking spaces, associated refuse storage, amenity space (Including allotments) - Approved: 17/09/2015 (Planning Committee)

## **3. Proposal**

The current application seeks planning permission for the 'Erection of conservatory to the rear of each of the 5 houses'

The proposed rear extensions would each have a depth of 2.5 metres from the existing rear wall, an eaves height of 2.2 metres and a maximum height of 3.2 metres to the lean to roof.

The extensions will be built using material to match the materials of the new builds.

This application is a new full planning application which will assess the proposed rear extensions and no other assessment relating to the previously approved development on this site given they have already been implemented. The application does not include any other changes to the previous approval at the site ref: 18/1689/FUL

## **4. Public Consultation**

Consultation letters were sent to 65 neighbouring properties.

7 responses have been received, comprising 6 letters of objection, 1 letter of comment.

The objections received can be summarised as follows:

- site is visible from public highway
- materials
- concerns over proposal not been a conservatory but partitioning walls for an extension
- objection to further development of the site
- overdevelopment of the site
- building prior to permission
- reduced distance between the extension and the south boundary
- encroachment to the boundary line of neighbours and a reduction to their

privacy

## **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 locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposal would provide adequate amenities for future occupants;
- Whether harm would be caused to trees.

## **5.3 Assessment of proposals**

As noted above the site has previous approval for 5 terraced houses which were first approved at committee under reference no: 15/02741/FUL. Subsequent applications for minor changes have also been previously approved.

This new application will only assess the proposed single storey additions to the already built houses and will not assess the proposed 5 house which have already been built.

Following a site visit it was noted that the proposed extensions to the built houses have already commenced and well under way and the fences between the properties have also been erected.

Since the original submission the proposed single storey additions have been amended to reduce the depth of the additions from 3m to 2.5m deep and changes have been made to the roof design from a flat roof to a lean to roof. In addition, the proposed glass conservatory style additions have been changed to solid wall structure to reflect the materials used in the new houses which are of brick built.

### **Character and Appearance**

The DM01 helps to protect Barnet's Character and amenity stating that development should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. This application involves the erection of a single storey rear extensions and the proposed rear extensions would not be seen from the street scene and as such there will be no impact on the established streetscene.

Policies DM01 and DM02 seek to ensure that new development positively enhances the character and amenity of an area. The character of this area is generally suburban and defined by terraced and semi-detached of no more than 2-storeys immediately surrounding the area. It is considered that there is no objection to a development on site however, this would be on the basis that the resulting development would not detract from the well-established character of the area and the previously approved development and would positively enhance the area.

The proposed single storey rear extensions would add approximately 12m<sup>2</sup> to the originally approved scheme with a depth of 2.5 metres and a maximum height of 3.2 metres which would accord with the councils design guidelines. The proposed rear extension would be modest additions to the overall footprint of the existing approval increasing the overall footprint area of the originally approved scheme from approximately 51m<sup>2</sup> to 63m<sup>2</sup> for each dwelling. It is considered the reduced depth and low height is not considered to detract from the existing scheme as approved and built.

Whilst it is noted the single storey rear additions would effectively increase the footprint of the approved houses however, given the modest size and design of the single storey extensions measuring at 2.5m deep it is not considered this would have any significant impact on the appearance of the new builds to warrant refusal of the application. Furthermore, the extensions can be comfortably accommodated within the envelope of the new houses without compromising the residential amenities of the future occupiers of the units and still maintain sufficient garden space for these units. Therefore, on balance considered to be an acceptable addition and therefore would have no appreciable adverse impact on the newly built development and no impact on the character and appearance of the immediate or the surrounding area.

### **Impact on Neighbouring Amenity**

It will be important that any scheme addresses the relevant development plan policies including DM01, DM02 (of the Barnet Local Plan), 3.5 (of the London Plan) and the guidance contained in the Barnet Supplementary Planning Documents 'Sustainable Design and Construction' and 'Residential Design Guidance.' In respect of the protection of the amenities of neighbouring occupiers, this will include taking a full account of all neighbouring

sites.

Policy DM01 states development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users. In respect to the allowance of adequate light provision, the scale of the extension whilst aligning with neighbouring extension of a similar scale poses minimal impact upon the increase loss of light. In terms of impact onto the adjoining neighbours, Barnet's Residential Design Guidance SPD (2016) states that a single storey rear extension with the depth of 3 metres would normally be considered acceptable for terraced properties. In this case, given the proposed extensions are an addition to a new development it was considered a reduced depth of 2.5 metres would be more appropriate. The proposed extension is considered compliant with the requirements under Barnet's Residential Design Guidance SPD (2016).

The proposed extension would be located to the rear of each dwelling and would not change the approved development to the side or the front.

Properties located on Woodfield Drive, West Walk and Uplands Road are separated by service roads. The new buildings will be located 6m away from the rear boundary with Woodfield Drive, 8m away from the rear boundaries with West Walk and 15.5m away from the rear boundaries with Uplands Road. Furthermore, as the site is to the rear of these neighbouring sites, it is important to note that actual neighbouring buildings will be further away, i.e 30m away from Woodfield Drive, 32m away from properties on West Walk and 38.5m away from Uplands Road. With a minimum separation of 30m from any part of the new building, it is not considered that neighbouring privacy will be harmed to a point of detriment.

It is also noted that a number of properties surrounding the rear of the site benefit from outbuilding or garages to the rear of the site therefore the proposed rear extensions would not be readily visible from the rear gardens of these neighboring properties. As a result, the proposal is found to be of a size and design that it would not result in unacceptable levels of harm to the amenity of neighbouring occupiers in accordance with Policy DM01 of the Development Management Policies DPD. This includes impacts in terms of daylight, sunlight and overshadowing, noise, disturbance, light pollution, outlook, overlooking, loss of privacy, visual impacts and overbearing relationships.

### **Future occupiers**

The proposed development is considered to have sufficient amount of light through the rear doors and the conservatory style roof. It is noted the private garden space would be reduced; although the proposed rear extension would reduce the overall garden space, it is noted the development will still meet the requirement for dwelling with 5 habitable rooms 55m<sup>2</sup> of garden. All houses exceed this amount.

### **Highways**

It is not considered the addition of the rear extension would impact the existing highways arrangements which will remain the same as the previous approval.

### **Trees**

The proposed development has not shown removal of any trees. Whilst the subject site contains dense vegetation no tree within the site is covered by a tree protection order. One

tree outside the site is noted to be protected. The application seeks to protect this tree during construction - as is normally required. The proposal also seeks to landscape the site. Details of which shall be secured by condition.

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

Most of the objections raised have been addressed within the report.

Whilst planning permission should be obtained prior to commencement of works any construction works that take place is at the owners risk.

#### **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 Officer's Assessment development is not considered to have an adverse impact on the amenities of neighbouring occupiers. On balance this application is therefore recommended for approval.

