

**Location**                               **5 Shirehall Lane London NW4 2PE**

**Reference:**                           **20/1773/HSE**                               Received: 13th April 2020  
Accepted: 28th April 2020

Ward:                                       West Hendon                                       Expiry 23rd June 2020

Applicant:                               Mr & Mrs Spitzner

Proposal:                                 Single storey infill rear extension and first floor rear extension (AMENDED PLANS)

### **OFFICER'S 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:

U-J11725-PP001  
U-J11725-PP002  
U-J11725-PP003  
U-J11725-PP004  
U-J11725-PS001  
U-J11725-PE001  
U-J11725-PS002  
U-J11725-PV001  
U-J11725-PV002

U-J11725-EP001  
U-J11725-EP002  
U-J11725-EP003  
U-J11725-EP004  
U-J11725-ES001  
U-J11725-EE001  
U-J11725-EE002  
U-J11725-EV001  
U-J11725-EV002

U-J11725-LP001

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 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevation facing No.3 Shirehall Lane

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).

- 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).

#### **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 contains a large detached single family dwellinghouse, located on the south-eastern side of Shirehall Lane. The neighbouring property is No.3 Shirehall Lane and the neighbouring property, situated across Shirehall Close to the south, is No.7 Shirehall Lane. There are no significant variations in levels across the site or neighbouring properties. The site is not within a conservation area and does not contain any listed buildings.

#### **2. Site History**

Reference: 19/4042/PNH

Address: 5 Shirehall Lane, London, NW4 2PE

Decision: Prior Approval Not Required

Decision Date: 13 August 2019

Description: Single storey rear extension with a proposed depth of 8 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres.

Reference: 19/4045/PNH

Address: 5 Shirehall Lane, London, NW4 2PE

Decision: Prior Approval Not Required

Decision Date: 13 August 2019

Description: Single storey rear extension with a proposed depth of 8 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres.

Reference: 19/4241/192

Address: 5 Shirehall Lane, London, NW4 2PE

Decision: Lawful

Decision Date: 10 September 2019

Description: Roof extension rear dormer window and 1no front facing rooflight (amended description).

Reference: 19/4242/HSE

Address: 5 Shirehall Lane, London, NW4 2PE

Decision: Approved subject to conditions

Decision Date: 11 October 2019

Description: Two storey rear extension

Reference: 19/6043/HSE

Address: 5 Shirehall Lane, London, NW4 2PE

Decision: Refused

Decision Date: 7 January 2020

Description: Erection of new front porch. Two storey rear / side extension

Reference: 20/3240/HSE

Address: 5 Shirehall Lane, London, NW4 2PE

Decision: Pending Decision

Decision Date: No Decision Made.

Description: Single storey rear infill extension

Reference: 20/4338/HSE

Address: 5 Shirehall Lane, London, NW4 2PE

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Infill of ground floor rear extension and erection of previously approved first floor rear extension (19/4242/HSE)

Reference: 20/4339/HSE

Address: 5 Shirehall Lane, London, NW4 2PE

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Single storey rear infill extension. First floor rear extension

### **3. Proposal**

The application seeks permission for a single storey infill extension and first floor rear extension.

Amendments plans were requested to reduce the width of the proposed first floor rear extension, which were subject to a re-consultation period.

The application will be decided at committee as more than 5 objections being received.

### **4. Public Consultation**

Consultation letters were sent to 5 neighbouring properties. 8 objections were received within the initial consultation period.

- Concern that the proposed plans are different to what appears is being built.
- Concern that privacy and light will be affected.
- Considered that the development would be very visible and prominent as it is a corner house.
- Considered that doors leading onto a flat roof would result in overlooking.
- Considered that the scheme represents overdevelopment of the site.
- Concern that the dwellinghouse will be converted into flats.
- Considered that the 8-metre rear extension is unacceptable.
- Objector questions the legal validity of the application, and that permitted development rights do not apply in this case.
- Considered that the proposed development would be bulky and ugly in appearance, which would be exacerbated by the conspicuous nature of the site having two road frontages.
- Considered that the site gradient has not been accounted for.
- Would set an unwanted precedent.

During the re-consultation period, the above objections were sustained but 2 comments of support were received:

- Considered that as the property was derelict for years and the sidewalk became overgrown, the renovations would lift the quality of the street. The amendments are supported.
- Considered that the proposed extension seems like a logical addition that would not result in harm to neighbouring amenity or character of the street scene.

### **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 in 2019. This is a key part

of the Government's 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.

### Barnet's Local Plan (Reg 18) 2020

Barnet's Local Plan -Reg 18 Preferred Approach was approved for consultation on 6th January 2020. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's emerging Local Plan.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as

the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of emerging policies and draft site proposals.

### 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**

#### Design and Visual Amenity

##### Single storey infill rear extension

All proposed development should be based on an understanding of the local characteristics, preserving or enhancing the local character and respecting the appearance, scale, mass and height of surrounding buildings, spaces and streets in accordance with DM01 of the Development Management Policies (2012).

A material consideration of substantial weight in this case, is the site's planning history. The applicant has implemented application ref. 19/4042/PNH - 2 No. single storey rear extensions with a depth of 8 metres from the original rear wall, eaves height of 3 metres and maximum height of 3 metres with a distance of 500mm retained between each structure.

The application seeks to infill this 500mm gap to create a full width 8 metre rear extension. The level of weight that can be given to the abovementioned application as a material fall-position relies on its stage of construction. For instance, the applicant must convey a genuine intent to otherwise proceed to fit out and occupy the 2 No. rear extensions. In this case, the agent was requested to provide photographic evidence that the foundations, brickwork/render, roof and windows/doors were near completion. Officers are satisfied that the level of work that has been undertaken provides a sufficient fall-back position

As such the principle of a full width rear extension is considered acceptable and the infill is not considered to result in any greater harm to the scale or visual amenity of the property and street scene than the current built form of 2 No. 8 metre rear extensions.

### First Floor Rear Extension

The application initially sought a first-floor rear extension that would occupy the full width of the dwelling at a depth of 3.00 metres. While it is noted that this element was approved under application 19/4242/HSE, it was permitted under a materially different context alongside a 4-metre ground floor extension. As such, the fall-back position in this case is weak as the permission could not be implemented in full. As such, its impact should be assessed in conjunction with the now proposed 8 metre full width rear extension.

It was considered that the proposed scheme when considered as a whole, would have an unacceptable impact on the scale, massing and bulk of the dwelling and would not respect its original footprint or architectural form. As such, the development would appear incongruous in relation to its surrounding setting and would set an unwanted precedent for future developments.

However, it was considered on balance, that the principle of a first-floor rear extension would not be unacceptable subject to a reduction to its width. Amendments were submitted to reduce the width of the proposed first floor extension, from full-width to 6.98 metres. The proposed first floor extension is considered to appear as a more subordinate addition to the dwellinghouse, and would be more in keeping with the scale of developments in the surrounding locality.

The proposed use of matching materials, together with the crown roof would have an acceptable impact on the architectural appearance of the dwellinghouse. Amendments were also sought to align the windows of the first-floor rear extension with the bi-folding doors beneath. It is considered that the proposed openings would now relate well to the size and position of windows on the rear elevation.

Overall, it is considered that the proposed development would comply with DM01 of the Development Management Policies (2012) and Barnet's Residential Design Guide SPD (2016).

### Residential Amenity

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

The proposed infill extension is considered acceptable by way of the existing site context. It would not introduce any additional harm in terms of overbearing impact, sense of enclosure, loss of light or outlook.

The first-floor extension would be set off the common boundary by 6.47 metres. As such, the proposal would be compliant with Barnet's SPD (2016) in that it is not considered to result in detrimental harm by reason of loss of outlook from principal rear elevation windows, light provision or sense of enclosure.

A distance of 18 metres would be retained between the proposed openings at first floor level and the flank wall of No.24. Given that the windows would be located on the same plane as existing habitable room windows, it is considered on balance that they would have an acceptable impact in terms of overlooking and loss of privacy.

## **5.4 Response to Public Consultation**

N/A

## **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 the development would have an acceptable impact on the application site, the street scene and locality in terms of character and appearance. It is also considered that the development would have an acceptable impact on the amenity of neighbouring occupiers. This application is therefore recommended for APPROVAL.

