

Location **68 Francklyn Gardens Edgware HA8 8RZ**

Reference: **20/3262/RCU** Received: 20th July 2020
Accepted: 30th July 2020

Ward: Edgware Expiry 24th September 2020

Applicant: G Begal

Proposal: Single storey rear extension (retrospective application)

OFFICER'S RECOMMENDATION

Refuse

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, by reason of the size, bulk and excessive rearward projection of the ground floor element, would constitute an incongruous and unsympathetic overdevelopment that would fail to be appropriately subordinate to the scale and proportions of the original dwelling, to the detriment of the character and appearance of the host property and wider pattern of development, contrary to Policies CS1 and CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policy DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Residential Design Guidance SPD (2016)

- 2 The proposed ground floor rear extension, by reason of its size, siting in proximity to the boundary and excessive rearward projection, would result in an unacceptable loss of outlook and overbearing sense of enclosure to the detriment of the visual and residential amenities of the neighbouring occupiers at No 66 Francklyn Gardens, contrary to Policies CS1 and CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policy DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Residential Design Guidance SPD (2016)

Informative(s):

- 1 The plans accompanying this application are:

2006.E1
2006.E2
2006.P1
2006.P2
Site Location Plan
Cover Letter, EA Planning, 09/07/2020

- 2 In accordance with paragraphs 38-57 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. The LPA has discussed the proposal with the applicant/agent where necessary during the application process. Unfortunately the scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

OFFICER'S ASSESSMENT

This application has been called to the Committee at the request of Cllr Freedman, for the following reasons:

" 1. The council guidance of 3m is in order not to impact the neighbour. It is guidance and not law. As the neighbour has consented to 6m flank wall on the adjoining boundary, that should be considered acceptable in planning terms.

2. There are no objections from neighbours, only support.

3. As the applicant can achieve the same as they are applying for if they build in stages (at a cost), it seems ludicrous not to accept it now.

4. After discussing this with the planning officer he said that if we build it as permission allowed, then apply to fill in the gap, we would get full permission. This seems environmentally incorrect to build a wall, knock it down, create landfill and then build a new wall. Rather build the finish people and protect our environment."

1. Site Description

The application site is a two-storey semi-detached single-family dwelling located on the eastern side of Franklyn Gardens within the ward of Edgware with a private residential garden to the rear.

To the east, the property directly adjoins No.66 Francklyn Gardens. To the immediate west of the property, the site shares a common boundary with No.68 Francklyn Gardens. To the rear, the application site abuts Nos 51 and 53 Harrowes Meade.

The area is characterised by similar two storey semi-detached properties with amenity space to the rear in the form of garden spaces and off-street parking facilities to the front.

The application site does not contain a listed building and does not fall within a conservation area.

2. Site History

Reference: 19/0808/192

Address: 68 Francklyn Gardens, Edgware, HA8 8RZ

Decision: Lawful

Decision Date: 9 April 2019

Description: Roof extension involving hip to gable, rear dormer window with juliette balcony and 1no front facing rooflight

Reference: 19/0809/HSE

Address: 68 Francklyn Gardens, Edgware, HA8 8RZ

Decision: Approved subject to conditions

Decision Date: 11 April 2019

Description: Part single, part two storey rear extension. New front porch

Reference: 19/5050/HSE

Address: 68 Francklyn Gardens, Edgware, HA8 8RZ

Decision: Approved subject to conditions

Decision Date: 28 January 2020

Description: Single storey front extension to facilitate new front porch. Part single, part two storey rear extension. Roof extension, including, part hip to gable, rear dormer window with 1no. juliette balcony, and 1no. rooflight to front roofslope

Reference: 20/1268/PNH

Address: 68 Francklyn Gardens, Edgware, HA8 8RZ

Decision: Prior Approval Not Required

Decision Date: 9 April 2020

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.97 metres and maximum height of 2.97 metres.

3. Proposal

The development description seeks planning permission for part retention and completion of the ground floor rear extension situated on the adjoining boundary line with No.66 Francklyn Gardens.

The site gained approval for a larger home extension under planning reference number 20/1268/PNH on the 9th April 2020. The extension proposed the dimensions of 6 metres in depth, 2.72 metres in width and a maximum height of 2.97 metres.

Having assessed the submitted documents (of which were confirmed through photographic evidence provided by the agent of this application) it is noted that the previously mentioned approval was not substantially completed in accordance with the approved drawings as permitted in the notification pursuant to paragraph A.1(g) of The Town and Country Planning (General Permitted Development) Order 2015 (as amended).

The current proposal has now sought approval for increasing the width of the extension by 1.55 metres to wrap-around the existing ground floor extension situated on the left flank of the dwelling.

The rear elevation of the extension would contain fenestration, which would match insitu materials on the rear elevation of the property.

It is noted the fenestration on the rear dormer currently proposed was not approved under planning reference number 19/5050/HSE and is not included within the realm of this application. Further, it is noted that the hip to gable and rear dormer roof extension and first floor rear extension, approved under the previously mentioned application, is not existing (contrary to submitted drawings).

The previously approved ground floor rear extension was not substantially completed.

4. Public Consultation

Consultation letters were sent to 4 neighbouring properties,

3no letters of support was received from properties outside of the consulted properties.

- I have seen the plans for this house and am in support of this scheme.
- It is also in keeping with current scale of developments in the area.
- As a neighbour living behind this property, I support the application which is similar to other development in this area.

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 in 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, 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.

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 2031. 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.

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 2016 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 (2016)

- Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. 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 developments 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 it states that developments 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 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

Officers consider that the main planning considerations are as follows:

- Whether harm would be caused to the character and appearance of the Watling Estate Conservation Area, 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

In the interests of good planning, it is essential to ensure that the prior approval extension had been constructed and substantially completed in accordance with the approved plans so that the extension currently under consideration can be divorced from a reliance on permitted development rights that would no longer pertain. In this instance, the larger home extension was not substantially completed and as such, the whole of the ground floor as built falls to be considered against the policies of the Development Plan - in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004.

Impact on the character and appearance of the property and general locality:

In that context, 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 Council's Residential Design Guidance SPD outlines that extensions to houses can have a profound effect on the appearance of an area. In regard to character, Policy DM01 of the Council's Development Management Policies outlines that development proposals should be based on an understanding of local characteristics and seek to preserve or

enhance local character. Further, the Council's Residential Design Guidance SPD outlines that extensions should not be unduly overbearing or prominent and should normally be subordinate to the existing dwelling.

Paragraph 14.13 of the Council's Residential Design Guidance SPD advocates that extensions should fit into the street, being consistent with the architectural character, neighbouring properties, and any special nature of the area.

According to the guidelines set out in the Council's Residential Design Guidance (2016), an acceptable depth for a single storey rear extension to a semi-detached dwellinghouse is 3.5 metres from the original rear wall. The current proposal extends a maximum depth of 6 metres along the shared boundary line with No.66 Francklyn Gardens.

The Residential Design Guidance states that single storey rear extensions need to ensure that they do not appear bulky and prominent compared to the size of the main building and garden in which they relate. It goes on to outline that a depth of 3.5 metres is normally considered acceptable for a single storey rear extension on a semi-detached dwelling. Viewing the existing house, which is 8.78 metres deep and two storeys high (notwithstanding the additional bulk from the recently approved roof extension), the total depth of the existing single storey rear extension would measure 6 metres in depth and a maximum height of 2.97 metres. The rear extension would constitute a 68% increase to the footprint of the original dwellinghouse. Therefore, it is considered that the development is not sympathetic nor appropriately subordinate to the original dwellinghouse.

Further, in light of the approved application under reference number 19/5050/HSE the extension would contribute to a cumulative impact that would create a development that would be demonstrably disproportionate in its physical manifestation to such an extent that harm would occur to the character of the original dwelling.

The proposed rear extension is not visible from the streetscene and therefore it is acknowledged that it would not have an impact on the character of the streetscene.

Potential impacts upon the amenities of neighbouring residents

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 extension would extend 6 metres from the rear wall of the application site. The rear wall of the adjoining property of No.66 Francklyn Gardens is flush with the application site and so the extension would extend 6 metres beyond the rear wall of the neighbouring property. The extension would exceed the advised depth of an extension for a semi-detached dwelling by some 2.5 metres according to Barnet SPD (2016) and is thus considered to result in a deleterious impact to the occupiers of No.66 by reason of an increased sense of enclosure and loss of outlook from the rear ground floor habitable rooms and garden

Therefore, the proposed development, by virtue of its position, scale and excessive rearward projection is considered to have unacceptable impact to the occupiers at No.66 Francklyn Gardens, contrary to the expectations of Policy DM01.

5.4 Response to Public Consultation

Key planning considerations have been addressed in the above section. Other points made are not material planning considerations.

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

The proposed development is considered to have an unacceptable impact on the character and appearance of the application site and result in an unacceptable impact to the amenities of neighbouring occupiers at No.66 Francklyn Gardens. Therefore, this application is recommended for REFUSAL.

