



101-151/006 E

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).

**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**

This application has been referred to committee by Councillor Mitra for the committee to determine the impact on the neighbouring property in terms of loss of light and outlook and overbearing appearance.

### **1. Site Description**

The application site is located at 66 Brackenbury Road, N2 0ST, consisting of a mid-terraced dwellinghouse with rear amenity space. The area surrounding the site is mainly residential consisting of similar terraced properties. The site is located within the East Finchley ward.

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

### **2. Site History**

Reference: 21/2364/192

Address: 66 Brackenbury Road, London, N2 0ST

Decision: Lawful

Decision Date: 17 June 2021

Description: Roof extension involving rear dormer window. Removal of existing 1st floor rear window, addition of 1st floor window with obscured glazing to side elevation

### **3. Proposal**

Single storey rear extension. Insertion of 2no rooflights to front roofslope.

### **4. Public Consultation**

Consultation letters were sent to 16 neighbouring occupiers. 1 letter of objection has been received, summarised below:

- Noise and disruption caused by the build
- Request the works do not take place at the weekend and that Monday to Friday are limited to 8:30am-6pm
- Request information on when works will begin
- Request information on whether there would be a window that will overlook neighbouring property
- Ground floor will run right up to boundary wall which will enclose neighbouring garden
- Construction material includes glass and no information on sound insulation
- Privacy issues
- Potential for damage cause to structure of neighbouring property

Further consultation was carried out following the receipt of amended plans. Further correspondence was received stating that the previous objections still stand.

## **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 20th July 2021. 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 2021

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.

### Barnet's Local Plan (Reg 19) 2021

Barnet's Draft Local Plan - 19 - Publication was approved for consultation on 16th June 2021. The Reg 19 document sets out the Council's draft planning framework together with draft development proposals for 65 sites. It is Barnet's draft 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 the policies and site proposals in the draft Local Plan.

### 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**

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

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 which states that all proposals should preserve and enhance the local character of the area, as well as policies CS05 (both of the Barnet Local Plan), D1, D3 and D6 (of the London Plan).

The Council's adopted SPD 'Residential Design Guidance' states that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. This application relates to a single storey rear extension measuring approximately 3.2 metres in depth, 1.6 metres in width with an eaves height of 2.3 metres and maximum height of 3.3 metres. The Residential Design Guidance permits a maximum depth of 3 metres for rear extensions on terraced properties. However, in this case, the extension projects alongside the L-shaped outrigger, which is an original feature of the dwellinghouse. Therefore, this depth is considered to be acceptable as it will not project past the rear wall of the outrigger.

Following a review of aerial photography, it was noted that a large number of properties along Brackenbury Road have extended to the rear at ground level. Along this stretch of Brackenbury Road, of the houses which benefit from two storey rear outriggers, there are many examples of infill extensions to the side at ground level such as that proposed and therefore the principle of the extension is considered acceptable. The proposed extension is considered to be a proportionate addition and as the proposed extension will be contained within the L-shaped footprint of the property to the rear, it will not be visible from the streetscene. Therefore, the proposal is considered to have an acceptable impact on the appearance of the surrounding area.

2no front facing rooflights:

Following a review of aerial photography it was noted that a number of properties on Brackenbury Road benefit from rooflights to the front roof slope and are a common characteristic of the street scene. Further, the number of rooflights proposed is not thought to dominate the roof and therefore the rooflights are considered to be an acceptable part of the proposal.

Throughout the lifetime of the application, a roof extension involving rear dormer window over the main roof and outrigger roof was removed from the application as this did not

comply with the Residential Design Guidance. This was subsequently applied for via permitted development (ref. 21/2364/192) and found lawful.

- Whether harm would be caused to the living conditions of neighbouring residents.

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy D6 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.

Due to the siting of the proposed extension behind the existing two storey rear outrigger along the boundary with no. 68 Brackenbury Road, there is considered to be no impact on these neighbouring occupiers with regards to loss of light and outlook.

It is noted that the neighbouring property at no. 64 Brackenbury Road benefits from a rear extension set away from the common boundary and as a result is partially enclosed by its own extension. The proposed extension, as originally submitted, at the host property could create a tunnelling effect on the recessed neighbouring window. Adjacent to the boundary with the host site, this neighbouring property does not benefit from an extension to the rear. As such, the proposed extension would project to a depth of 3.2 metres past this adjoining property. Throughout the lifetime of the application, the scheme was amended to include a reduction in height along the boundary. The amended scheme includes a pitched roof with eaves height of 2.3 metres. Due to differing levels on site between the host property and neighbouring property, no. 64 is set at a slightly higher level. As such, the proposed extension would measure 2 metres in height along the boundary from the ground level of no. 64 Brackenbury Road. This is the height at which a fence could be erected under permitted development. In addition, the pitching away of the extension will create a subordinate feature which is not considered to be visually intrusive and will not result in loss of outlook, to the adjoining occupiers.

A similar development could be constructed through permitted development which allows for a rear extension of depth 3 metres and eaves height of 3 metres and up to a maximum height of 4 metres for terraced properties. It is considered that the amended proposed extension would result in a more subordinate feature when viewed from the neighbouring property.

No windows are proposed in the flank elevation facing no.64 and 3no rooflights are proposed to the pitched roof of the side infill extension. This will not be detrimental to the neighbouring property, with this design choice making efficient use of natural light. The proposed doors would be positioned to the rear elevation and therefore would not impact on the privacy of the neighbours.

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

- Noise and disruption caused by the build - the impact of construction works is not a planning consideration

- Request the works do not take place at the weekend and that Monday to Friday are limited to 8:30am-6pm - the impact of construction works is not a planning consideration
- Request information on when works will begin - a condition stating the works must be begun within 3 years of the permission will be attached.
- Construction material includes glass and no information on sound insulation - the application form confirms the materials to be used will be render as existing on the property. The glass rooflights are not considered to greatly impact on the amount of noise. The property will still be in use as a single family dwelling and it is not thought any further noise will result.

The remaining issues have been discussed in the main body of the report.

## **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.



Site Location Plan  
1:500

