

**Location** **56 Windermere Avenue London N3 3RA**

**Reference:** **19/6452/HSE** Received: 4th December 2019  
Accepted: 6th December 2019

Ward: Finchley Church End Expiry 31st January 2020

**Case Officer:** **Syndsey Ballet**

Applicant: Mr Richard Robins

Proposal: Part single, part two storey side and rear extension including conversion of the existing garage into habitable room, insertion of window to replace the existing garage door. Roof extension and enlargement including front, side and rear dormer windows

### **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: Site location plan, 01, 02, 03, 04a, 05a, 06a.

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 Before the building hereby permitted is first occupied the proposed windows in the flank elevations, including the dormer windows, facing nos 54 and 58 shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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) and the Residential Design Guidance SPD (adopted October 2016).

- 6 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 flank elevation(s), of the extension(s) hereby approved, facing nos 54 and 58 Windermere Avenue.

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).

- 7 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.

- 8 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 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**

The application was originally called to committee by Councillor Greenspan so that

Members can visit the site and look at the impact on neighbouring properties. Subsequent to this request, more than 5 objections were received.

## **1. Site Description**

The site consists of a two-storey detached dwellinghouse on the east side of Windermere Avenue within the electoral ward of Finchley Church End. The property is not in a conservation area and is not a listed building.

## **2. Site History**

Reference: 19/6488/HSE

Address: 56 Windermere Avenue, London, N3 3RA

Decision: Approved subject to conditions

Decision Date: 28 February 2020

Description: Single storey side and rear extension including conversion of the existing garage into habitable room, insertion window to replace the existing garage door

Reference: C08862

Address: 56 Windermere Avenue, London, N3 3RA

Decision: Approved

Decision Date: 30.10.85

Description: Two storey side extension

## **3. Proposal**

NB: The officer notes that works at ground level as described above were previously approved under ref 19/6488/HSE on the 28th February 2020. This proposal incorporates approved works and involves the addition of a first-floor side to rear element and roof extensions as described below:

"Part single, part two storey side and rear extension including conversion of the existing garage into habitable room, insertion of window to replace the existing garage door. Roof extension and enlargement including front, side and rear dormer windows"

Following the conversion of the existing garage into habitable room, insertion of window to replace the existing garage door, the single storey side to rear extension would extend approx 7 metres in depth from the existing garage, which would result in a projection of approx 2.80 metres (onto the rear patio area) from the recessed southmost rear corner of the property and extend a width of approx. 9.50 metres along the rear elevation to match the (existing) projecting rear building line and feature a flat roof form approx 3.50 metres finished height. A gated side passage width of 1.0 metre from the common boundary with no 58 would be retained.

On the side adjoining no. 54 Windermere Avenue, the proposed side extension will project forward approx 1.90 metres depth to align with the projecting front wall (which currently serves a study), approx. 1.3 metres in width to the side boundary and feature a flat roof form approx 3.90 metres finished height.

A first-floor side infill extension of the side elevation nearest no. 58 would project approx 4.0 metres in depth from the existing dressing room/ ensuite and extend a width of 3.50 metres to match the (existing) recessed rear elevation. The ridge height would be raised to create one ridge line. Nearest no. 54, the (existing) projecting rear bedroom wall would

be set back approx 0.80 metres in alignment with the recessed rear elevation and a first-floor side infill extension of the side elevation nearest no. 54 would maintain a set in of 1.30 metres from the side boundary in alignment with the recessed rear elevation. The eaves and ridge height nearest no. 54 would be increased in height to provide a single ridge line.

A centrally located first floor rear extension would project approx 2.80 metres depth x 8.15 metres width, be set in approx 5.20 metres from no 54 and approx 4.50 metres from no 58. It would feature a hipped roof form with crown set down below the main ridge level.

1x front dormer (replacement) 1.80 metres width x 1.60 metres height x 1.80 metres depth  
1x side dormer (on respective flank roofslopes) 1.80 width x 1.90 metres height x 1.90 metres depth

2 rear dormers 1.80 metres width x 1.60 metres height x 1.70 metres depth

#### **4. Public Consultation**

Consultation letters were sent to 8 neighbouring properties. Residents were reconsulted after receipt of amended plans. A total of 12 objections have been received from and on behalf of residents and are summarised below:

- Loss of light, outlook and privacy to habitable windows
- Loss of light to side windows and patio
- Increased sense of enclosure
- Greater proximity of the existing air conditioner unit
- Subsequent loss of trees in the rear garden of the property, which currently provided screening between properties
- Side window directly on boundary - unusual and undesirable
- Reduction in width of passage between properties
- Previous extensions in 1985 was limited in size adjacent to no. 56
- Loss of vegetation
- Procedural errors in determination of application 19/6488/HSE
- Barnet design guidelines have always required side extensions to be 1m from a boundary at ground floor and 2m at upper floors
- Noise and increased traffic

#### **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 new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan.

### Barnet's Local Plan (2012)

Barnet's Draft Local Plan -Reg 19- Publication was approved for consultation on 16th June 2021. The Reg 19 document sets out the Council's draft planning policy 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.

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 the 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.
- Other Matters

## **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).

Single storey side and rear extension:

The proposed side extension on the side adjoining no. 58 Windermere Avenue will extend approximately 7 metres in depth from the existing garage, measuring 3.6 metres in width to match the building line of the existing garage. On the side adjoining no. 54 Windermere Avenue, the proposed side extension will project forward approx 1.90 metres depth to align with the projecting front wall and approx. 1.3 metres in width to the side boundary. The residential design guidance states that side extensions should not be more than half the width of the original house which the proposal complies with. Although the side extensions will not be set back from the front building line of the property, on the other side neighbouring no. 54 the side extension front building line will match that of the existing study, however, as it has a small width of 1.3 metres is therefore deemed acceptable.

The Residential Design Guidance SPD stipulates that a depth of 4 metres is considered acceptable for a single storey rear extension on a detached house. The proposed single storey rear extension will measure approximately 2.18 metres in depth past the established rear building line of the property, therefore compliant with the council's guidance.

Two storey side and rear extension:

A first-floor side infill extension of the south western flank elevation would project approx 4.0 metres in depth from the existing dressing room/ ensuite and extend a width of 3.50 metres to match the (existing) recessed rear elevation. The (existing) projecting rear bedroom wall would be set back approx 0.80 metres in alignment with the recessed rear elevation and a first-floor side infill extension of the north east flank elevation would maintain a set in of 1.30 metres from the side boundary with no 54 in alignment with the recessed rear elevation.

Design guidance states that for 2 storey side extensions, a distance of 1m to the boundary and 2m between properties should be maintained. This is to avoid a terracing effect and maintain the character of a street and reduce the visual impact of an extension. In this case, both the first floor side extensions would be rearwards of existing first floor elements and therefore there would be no reduction in the gap between properties.

A centrally located first floor rear extension would project approx 2.80 metres in depth, extend approx 8.15 metres in width along the rear elevation and be set in approx 5.20 metres from no 54 and approx 4.50 metres from no 58. It would feature a hipped roof form with crown set down below the main ridge level. The proposal would result in the removal of existing staggered elevations/building lines and varied roof profiles and introduce a more regular form of development with a subordinate hipped roof with crown, limited to the existing apex.

The Residential Design Guidance SPD stipulates that two storey rear extensions which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable. This is because they can be too bulky and dominant and have a detrimental effect on the amenities of neighbours. The proposed two storey rear extension is compliant with the council's guidance.

There are a number of examples of rear extensions along Windermere Avenue and further, surrounding the property there are a number of large detached dwellinghouses similar to the host property which have extended to the side and rear. The property benefits from a large rear garden and the addition of a rear extension would not result in a significant loss of garden.

Roof extension and dormers:

The proposed dormers would replace comparably larger roof additions within the front and rear roofslopes and introduce modestly sized roof additions to the flank roofslopes ensuring visual containment and subordination at roof level. The provision of a single raised ridge is evident on other properties in the street eg at no. 54 and would not be out of keeping within the street.

Overall, the proposal is not thought to negatively impact the established character and appearance of the existing dwelling and general locality and street scene.

Conversion of garage into habitable room:

It is considered that the garage conversion would not result in detrimental harm to the character of the existing property, the street scene or wider locality as the conversion does not include any increase in footprint and therefore does not constitute overdevelopment of the site.

There are no concerns in regard to loss of the use as a garage as there is sufficient off-

street parking within the front forecourt area to compensate for the loss of parking in the garage.

The application proposes the removal of the garage door and replacing it with windows to match the style of the existing front elevation windows, as confirmed in the application form.

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

Policy DM01 of the Development Management Policies (Adopted) 2012 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.

On the side adjoining no. 58 Windermere Avenue, the proposed single storey side to rear infill extension will extend behind the existing garage, extending past the rear building line of the neighbouring property by 3.5 metres and set away from the flank wall of no. 58 by approximately 1.8 metres. As this is compliant with the residential design guidance, it is considered that there would be an acceptable impact on the neighbouring property in terms of the proposed depth. The neighbour is concerned about loss of light to a stairway and hall, however given the height of the side window, light would not be completely restricted to the hallway, which would not be considered a habitable room.

The single storey side infill extension on the adjoining boundary with 54 Windermere Avenue would maintain the shared front building line with this neighbouring property. No material harm upon access to light or outlook is likely in this regard.

The first-floor side infill extension to the north east flank elevation would be set off the common boundary with no 54 by approx 1.30 metres, project less than 1.0 metres further forward of no 54. The infill would face onto the south west flank elevation of no 54 onto which there no single aspect habitable openings. No material harm upon access to light or outlook is likely in this regard.

The first-floor side infill extension to the south west flank elevation would be set off the common boundary with no 58 by approx 1.0 metre and project less than 1.0 metres further rearward of no 58. This is not thought to negatively impact the neighbouring property in regard to loss of light or sense of enclosure.

The proposed centrally located, first floor rear extension would project approx 2.50 metres further rear of no 54 and approx 3.50 metre further rear of no 58. Given the limited rear depth of projection of 2.80 metres and separation distances involved to the common boundaries with nos 54 and 58, no undue loss of light or outlook to habitable window openings and rear patio areas is likely.

The roof extension and dormer windows would not would have an unacceptable impact on neighbouring residents. The side dormer windows serve an en-suite bathroom and a secondary window to a bedroom. To safeguard the privacy of neighbours, a condition has been attached to ensure that flank openings including the side dormers are obscurely glazed and non-opening.

#### Other Matters

The holly tree at the rear of the property does not have any public amenity benefit and therefore does not qualify for special protection by means of a Tree Preservation Order.

As such, the applicant is within his/her rights to remove the tree without prior notification to the LPA. Nonetheless, the tree is important in providing some screening between properties. Therefore, to address the inevitable loss of vegetation on the boundary, the application will be subject to a hard and soft landscaping scheme condition to secure replacement planting.

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

The material planning considerations relating to the relevant planning policies and guidance, impact on the appearance and character of the property and wider area and impacts on neighbouring amenity have been addressed in the main body of the report.

- Greater proximity of the existing air conditioner unit  
Plans do not show an external air conditioning unit

- Procedural errors in determination of application 19/6488/HSE  
This is not relevant to the determination of the current application

- Noise and disturbance  
The property is to remain as a single family house. It is considered that there would not be an unacceptable increase in noise and disturbance from the development. Noise and disturbance during construction are not planning considerations, however a condition is imposed to restrict working hours

#### **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.

