

**Location** 15 Elmcroft Avenue London NW11 0RS

**Reference:** 21/2658/HSE Received: 12th May 2021  
Accepted: 12th May 2021

Ward: Childs Hill Expiry 7th July 2021

**Case Officer:** Frances Haines

Applicant: Mr Frank

Proposal: Part single, part two storey rear extension. Removal of existing columns to the front and alterations to the fenestration on the front elevation.

## **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 proposed first floor rear extension would by reason of cumulative size, width, design and siting result in an disproportionate form of development, appearing bulky, prominent and out of scale with the host dwellinghouse, which would be detrimental to the character and appearance of the host property, streetscene and the surrounding area contrary to policy CS5 of the Barnet Local Plan (Core Strategy) DPD adopted 2012, policy DM01 of the Barnet Local Plan Development Management Policies) DPD adopted 2012 and the Residential Design Guidance SPD adopted 2016.

**Informative(s):**

- 1 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. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.

- 2 The plans accompanying this application are:

15EL-A-01-001  
015EL-A-01-002  
015EL-A-02-001  
015EL-A-02-002  
015EL-A-03-001  
015EL-A-03-002  
015EL-A-03-003  
015EL-A-03-004  
015EL-A-05-001  
015EL-A-05-002  
015EL-A-06-001  
015EL-A-06-002  
015EL-A-06-003  
015EL-A-06-004  
015EL-A-01-001  
015EL-A-01-002 A  
015EL-A-02-101 A  
015EL-A-02-102 B  
015EL-A-03-101 A  
015EL-A-03-102 B  
015EL-A-03-103 A  
015EL-A-03-104 B  
015EL-A-05-101 A  
015EL-A-05-102  
015EL-A-06-101 B  
015EL-A-06-102

015EL-A-06-103 A  
015EL-A-06-104 A

## **OFFICER'S ASSESSMENT**

The application was called in by Councillor Zinkin for the following reason:

"I think this is a matter of planning judgement and that it would be reasonable to allow the committee to make the judgement so please do call it in. Specifically there is an argument that the application can be considered to be policy compliant and the resident will have the opportunity to make that case."

### **1. Site Description**

The application site is located at 15 Elmcroft Avenue consisting of a two-storey detached dwellinghouse with front and rear amenity space. The area surrounding proposed site is mainly residential consisting of two-storey detached and semi-detached dwellinghouses with varying architectural styles. The site is located within the Childs Hill ward.

The site is not within a conservation area, nor is the property listed.

### **2. Site History**

Reference: 21/0768/HSE

Address: 15 Elmcroft Avenue, London, NW11 0RS

Decision: Approved subject to conditions

Decision Date: 4 May 2021

Description: Part single, part two storey rear extension. Alterations to the existing balcony including increased screening. Removal of existing columns to the front and alterations to the fenestration on the front elevation

Reference: 21/0867/192

Address: 15 Elmcroft Avenue, London, NW11 0RS

Decision: Lawful

Decision Date: 17 March 2021

Description: Conversion of the garage into a habitable room insertion of windows and door to replace garage door

Reference: C04405B

Address: 15 Elmcroft Avenue London NW11

Proposal: Erection of front entrance porch

Decision: Approve subject to conditions

Decision Date: Mon 04 Feb 1974

Reference: C04405A

Address: 15 Elmcroft Avenue NW11

Proposal: Erection of porch and extension to garage at front  
Decision: Approve subject to conditions  
Decision Date: Wed 23 Jan 1974

Reference: C04405  
Address: 15 Elmcroft Avenue NW11  
Proposal: Erection of single-storey rear extension and porch  
Decision: Approve subject to conditions  
Decision date: 16 April 1973

### **3. Proposal**

The application seeks approval for a part single, part two storey rear extension and the removal of existing columns to the front and alterations to the fenestration on the front elevation.

At ground floor level, there will be 2 infill extensions beside the existing 5 metre rear extension. The extension siding no.13 will measure approximately 1.8 metres in depth, 2.7 metres in width and 3.3 metres in height. The extension siding no.17 will measure approximately 2.6 metres in depth, 1.7 metres in width and 3.3 metres in height.

The proposed first floor rear extension will measure approximately 2.5 metres in depth, 7.9 metres in width, with an eaves height of 5.7 metres and a maximum height of 7.7 metres.

Site photos have been provided by the applicant.

### **4. Public Consultation**

Consultation letters were sent to 12 neighbouring properties. 2 responses were received, comprising 2 letters of support.

### **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 amended on 20 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'. 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. 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 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 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 on 16th June 2021. The Reg 19 document sets out the Council's draft planning policy framework together with draft development proposals for 67 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 draft 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, CS05 (both of the Barnet Local Plan), D1 and D4 (both of the London Plan).

### *Ground floor rear extensions*

Barnet's Residential Design Guidance SPD (2016) stipulates that a depth of 4 metres is considered acceptable for a single storey rear extension on a detached property.

The application site already benefits from a 5 metre ground floor rear extension. This proposal seeks to infill beside the existing 5 metre extension, resulting in a flush rear elevation. Although a 5 metre deep, full width extension would exceed the RDG, a larger rear extension has already been established at this site. Furthermore, the rear extension will remain as a subordinate addition to the rest of the property.

The proposed ground floor rear extension is considered to be acceptable in terms of size and scale and would not be detrimental to the character and appearance of the host site and surrounding area.

### *First floor rear extension*

The proposed first floor rear extension will measure approximately 2.5 metres in depth, 7.9 metres in width, with an eaves height of 5.7 metres and a maximum height of 7.7 metres.

A previous first floor extension was approved at this site on the basis that a subordinate extension was proposed, which was not the full width of the property (ref. 21/0768/HSE).

First floor extensions along this side of Elmcroft Avenue tend to be no more than half the width of the first floor, for example, no.13 Elmcroft Avenue benefits from a first floor extension of a subordinate size which extends half the width of the first floor. It is noted that there is a full width first floor rear extension at no.23 Elmcroft Avenue, however, this was granted permission in 1994, which is prior to the current Development Management Policies (2012) which form a basis of this assessment. Therefore, this one example is not considered to set precedent for this kind of development, nor dictate the established character of the area.

Paragraph 6.6 of Barnet's Residential Design Guidance states that the design and layout of new development should be informed by the local pattern of development. The continuity of building lines, forecourt depths, road layout, space about the building and rear garden areas are all likely to be significant factors when making an assessment. In addition, Barnet's Residential Design Guidance (2016) states that two-storey rear extensions should ensure they do not harm the character and appearance of the host site and surrounding area.

Due to the first floor rear extension being full width, it is considered that the proposed development would not relate as a subordinate or proportionate addition to the property. It is considered that the size of the extension, and its associated roof form, would not relate as a sympathetic addition and would add significant mass and bulk to the first floor rear. Further, the introduction of a full width rear extension would be at odds with the established rear building line along this side of Elmcroft Avenue.

It is considered that the proposed first floor extension would be a disproportionate addition which would cause harm the character and appearance of the host site and surrounding area. The proposal is at odds with the established pattern of development within the context of the local area and therefore unacceptable on character grounds. Furthermore, the full width extension would detract from the appearance of the pair of houses; as noted no.13 benefits from a first floor rear extension which is limited to half the width.

#### *Alterations to the front elevation*

In the front elevation, the 2no front pillars of the porch will be removed. This will not harm the character and appearance of the host site and surroundings and is considered to be an acceptable addition.

The 4no chimneys at the site will also be removed as part of the development. This will not harm the character and appearance of the host site and surrounding area.

#### - 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) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

### *Ground floor rear extensions*

Barnet's Residential Design Guidance outlines that a depth of 4 metres is normally considered acceptable for a single storey rear extension on a semi-detached dwelling to ensure the proposal would not unduly harm the amenity of adjoining properties by way of loss of light, outlook or increased sense of enclosure.

The proposed ground floor rear extension will protrude 1.8 metres past the rear wall of no.13 Elmhurst Gardens. The extension will protrude 1.8 metres past the rear wall of no.17, with a gap of 1.9 metres between the extension and the boundary with no.17. It is not found that the proposal would result in an unacceptable level of harm to the amenity of neighbouring occupiers.

### *First floor rear extension and balcony*

Barnet's RDG states 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 2.5 metre, first floor rear extension will be approximately 5.7 metres from the nearest flank wall at no.13 Elmhurst Gardens. Furthermore, the extension will be approximately 4 metres from the nearest flank wall at no.17. Due to the size of the extension and the distance between the properties, the first floor rear extension will not result in a loss of light or detrimental loss of outlook for neighbouring properties.

### *Alterations to the front elevation*

The alterations to the front elevation will have no impact on the amenities of neighbouring occupiers.

## **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**

The proposed development would have a harmful impact on the character and appearance of the host site and surrounding area. Therefore, this application is recommended for REFUSAL.

8. *In the event of an appeal, the following conditions should be added:*

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

15EL-A-01-001  
015EL-A-01-002  
015EL-A-02-001  
015EL-A-02-002  
015EL-A-03-001  
015EL-A-03-002  
015EL-A-03-003  
015EL-A-03-004  
015EL-A-05-001  
015EL-A-05-002  
015EL-A-06-001  
015EL-A-06-002  
015EL-A-06-003  
015EL-A-06-004  
015EL-A-01-001  
015EL-A-01-002 A  
015EL-A-02-101 A  
015EL-A-02-102 B  
015EL-A-03-101 A  
015EL-A-03-102 B  
015EL-A-03-103 A  
015EL-A-03-104 B  
015EL-A-05-101 A  
015EL-A-05-102  
015EL-A-06-101 B  
015EL-A-06-102  
015EL-A-06-103 A  
015EL-A-06-104 A

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 new ground floor rear extensions 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. 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 first floor flank elevation(s), of the extension(s) hereby approved, facing 13 or 17 Elmcroft 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).

