

Location **138 Hendon Lane London N3 3PS**

Reference: **21/5055/HSE** Received: 20th September 2021
Accepted: 23rd September 2021

Ward: Finchley Church End Expiry 18th November 2021

Case Officer: **Emily Bell**

Applicant: Simon Winston

Proposal: Side extension at ground floor and mezzanine level and rear ground floor extension. Alterations to rear access steps. (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 extensions as built would, by reason of cumulative impact result in an disproportionate and incongruous form of development, resulting in an overdevelopment of the site, appearing bulky, prominent and out of scale with the host dwellinghouse, which is detrimental to the character and appearance of the host property and the surrounding area contrary to policy D3 of the London Plan (2021), policy CS5 of the Barnet Local Plan (Core Strategy) DPD adopted 2012 and policy DM01 of the Barnet Local Plan Development Management Policies) DPD adopted 2012 and the Residential Design Guidance SPD adopted 2016.
- 2 The raised patio and fencing, by reason of their size, siting, depth and height would

result in an overly dominant, overbearing and visually obtrusive addition, detrimental to the residential amenities of neighbouring occupiers in particular, No.140 Hendon Lane, contrary to Policy CS5 of Barnet's Adopted Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

Informative(s):

- 1 The plans accompanying this application are:
1508MW_PRE SH1 REV I
1508MMW_PRE SH2 REV I

- 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

The application has been called to committee by Councillor Grocock for the following reason:

"I have discussed the reason for refusal with the Planning Officer, it being refused on the basis of overdevelopment, however, I believe it will have acceptable impact on the overall character."

1. Site Description

The application site is located on the northern side of Hendon Lane, within the Finchley Church End ward.

The application property is a semi-detached dwelling house, the adjoining neighbour, 140 Hendon Lane is located to the western boundary of the site, to the east there is a four-storey, purpose-built flatted development known as Ashby Lodge.

The surrounding area is predominantly residential, characterised by a range of semi-detached, detached dwelling houses and purpose built flatted properties.

The property is not listed nor does it lie within a Conservation Area.

2. Site History

Reference: 19/6769/HSE

Address: 138 Hendon Lane, London, N3 3PS

Decision: Approved subject to conditions

Decision Date: 6 April 2020

Description: Side extension at ground floor and mezzanine level and rear ground floor extension. Alterations to rear access steps.

Reference: 17/7880/HSE

Address: 138 Hendon Lane, London, N3 3PS

Decision: Approved subject to conditions

Decision Date: 26 July 2018

Description: Part single, part two storey side extensions

Reference: 17/7884/HSE

Address: 138 Hendon Lane, London, N3 3PS

Decision: Approved subject to conditions

Decision Date: 26 July 2018

Description: Creation of new basement level to rear of property with associated lightwell, including extension to rear terrace and access steps to rear garden

Reference: 15/00873/PNH

Address: 138 Hendon Lane, London, N3 3PS

Decision: Prior Approval Not Required

Decision Date: 31 March 2015

Description: Single storey rear extension with a proposed depth of 5.5 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: F/05058/14

Address: 138 Hendon Lane, London, N3 3PS

Decision: Prior Approval Required and Refused

Decision Date: 22 October 2014

Description: Single storey rear extension with a proposed depth of 6.0 metres from the original rear wall. Eaves height of 3.5 metres and maximum height of 3.5 metres.

Reference: F/03051/14

Address: 138 Hendon Lane, London, N3 3PS

Decision: Approved subject to conditions

Decision Date: 28 August 2014

Description: Creation of new basement level to rear of property.

Reference: F/03052/14

Address: 138 Hendon Lane, London, N3 3PS

Decision: Approved subject to conditions

Decision Date: 27 August 2014

Description: Part single, part two storey side extensions.

Reference: F/05900/14

Address: 138 Hendon Lane, London, N3 3PS

Decision: Prior Approval Process not Applicable

Decision Date: 12 December 2014

Description: Single storey rear extension with a proposed depth of 6.0 metres from the original rear wall. Eaves height of 3.0 metres and maximum height of 3.0 metres.

3.Proposal

This application seeks consent for a side extension at ground floor and mezzanine level and rear ground floor extension. Alterations to rear access steps. (Retrospective Application)

4. Public Consultation

Consultation letters were sent to 17 neighbouring properties. 2 letters of support were submitted with the application.

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 22) 2021

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents 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 and the stage that it has reached.

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

It is noted that the site photographs that have been used to make an assessment of this application were provided by the applicant.

- 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).

This application seeks consent for a side extension at ground floor and mezzanine level and rear ground floor extension, as well as alterations to the rear access steps.

Ground floor side extension:

The proposed side extension would be less than half the width of the original dwellinghouse and would be set back from the front main wall by more than 1 metre at first floor level, in compliance with the guidance set out in Barnet's Residential Design Guidance; paragraph 14.15. This element of the proposals, with similar depth projection at the rear to the existing, albeit wider in this case, has gained consent several times previously and has been deemed to have an acceptable impact on the character and appearance of the host site when viewed from the streetscene.

Ground floor rear extension:

The adopted Residential Design Guidance SPD (2016) states that the depth of a single storey rear extension normally considered acceptable for semi-detached properties is 3.5 metres. It is noted that a previous application (19/6769/HSE) was amended in line with this

guidance to show a reduction in depth to 3.5m along the shared boundary with the attached neighbour at 140 Hendon Lane. This application proposes to extend along the shared boundary with no. 140 Hendon Lane by an additional 2metres, to measure 5.5 metres. It is noted that the site gained prior approval for a single storey rear extension along this shared boundary measuring 5.5 metres under application ref. 15/00873/PNH. Although some weight is given to this fallback position of the prior approval, the proposed scheme including a full width rear extension at ground floor level and side extension with mezzanine level results in a much larger addition which does not read as a subordinate feature. The combination of the various elements to the proposed and the cumulative impact of the extensions is considered to detract from the character and appearance of the host property.

A terraced area is proposed beyond the extension, which would extend a depth of 4.1 metres and extend the full width of the property. Although it is noted that a terraced area was granted approval under the previous application 19/6769/HSE, this included a set in from the shared boundary with the introduction of planting. The patio as proposed would extend to a greater depth and extend up to the boundary and as such would create a substantial structure which would fail to appear subservient, in particular when viewed with the larger single storey rear extension. The extension approved with prior approval (15/00873/PNH) if built would have resulted in a much smaller terraced area and that proposed under this application is considered to result in an unacceptable impact to the appearance of the host property.

- 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 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.

The neighbouring property at Ashby Lodge is a large, four-storey block of flats. Adjacent to this property, the proposal is the same as that previously approved and which was deemed to have an acceptable impact. The patio is proposed to be extended adjacent to the boundary, as opposed to the set in previously approved, however, the plans include the addition of fencing along the patio at this boundary which is considered to minimise impact with regard to overlooking and loss of privacy to these neighbouring occupiers.

Adjacent to the boundary, it is noted that the proposal would extend approximately 2 metres further than normally considered acceptable for a semi-detached property with regards to impact on neighbour amenity. As discussed above, some weight is given to the extension granted with prior approval (15/00873/PNH) which would extend to the same depth along the shared boundary with no. 140 Hendon Lane. The impact of the extension along this boundary can therefore be said to have no greater impact than the extension granted through prior approval. However, the proposal for prior approval did not include the large raised patio also extending along the shared boundary. Although the principle of a patio has been accepted under previous applications at the site, the patio as proposed has not been stepped away from the boundary and planting has been reduced. The plans indicate a 2 metre high fence along the patio which would result in a total height above the garden level of over 3 metres. The height and depth of the patio with the proposed fencing are considered to create harm to the amenities of the neighbouring occupiers with regards to overbearing appearance and creating a sense of increased enclosure.

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 proposal does not comply with the Adopted Barnet Local Plan policies and guidance and would not be in keeping with the character and appearance of the host property and would have a detrimental impact upon the residential and visual amenities of the neighbouring occupiers. This application is therefore recommended for REFUSAL.

In event of an appeal, the following conditions should be attached:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 1508MW_PRE SH1 REV I, 1508MMW_PRE SH2 REV I

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. The materials to be used in the external surfaces of the building(s) shall match those specified in the approved plans and application form.

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).

3. The roof of the single storey rear 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 Adopted Barnet Development Management Policies DPD (2012).

4 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

b) The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future

occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

