

**Location** **12 Highview Avenue Edgware HA8 9TZ**

**Reference:** **22/1953/HSE** Received: 12th April 2022  
Accepted: 12th April 2022

Ward: Edgware Expiry 7th June 2022

**Case Officer:** **Tia Olivo**

Applicant: Mr Sanjay Kohli

Proposal: Single storey side and rear extension with raised patio area following demolition of existing garage. Additional two-storey bay window to front elevation with pitched roof. First floor side extension (Amended Description)

### **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 Chair (or in their absence the Vice-Chair) 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:

DD305-01  
DD305-02-P2  
DD305-03-P1  
DD305-04-P0  
DD305-05-P0

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 window in the side elevation facing No 10 Highview Avenue 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 side elevation of the extension hereby approved, facing No10 Highview 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).

#### **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**

### **1. Site Description**

The application site comprises a two storey detached property situated at 12 Highview Avenue within the ward of Hale.

The surrounding area is pre-dominantly residential. This part of Highview Avenue is characterised by mainly detached properties, though with a significant degree of variation in style and architectural detail. Further north, the road becomes dominated by semi-detached dwellings.

The site is not situated within a Conservation Area nor is it a protected building. The site is not in an area covered by an Article 4 direction and therefore has permitted development rights. There are no nearby Tree Preservation Orders.

### **2. Site History**

Reference: 21/4419/HSE

Address: 12 Highview Avenue, Edgware, HA8 9TZ

Decision: Approved subject to conditions

Decision Date: 4 October 2021

Description: Single storey side and rear extension with raised patio area following demolition of existing garage. Changes to existing fenestration.

Reference: 21/4420/192

Address: 12 Highview Avenue, Edgware, HA8 9TZ

Decision: Lawful

Decision Date: 7 September 2021

Description: Roof extension involving partial hip to gable, rear dormer window with Juliette balcony and 3no front facing rooflights

Reference: 22/2443/HSE

Address: 12 Highview Avenue, Edgware, HA8 9TZ

Decision: Refused

Decision Date: 4 July 2022

Description: New front boundary wall with associated piers and railings and 2no. electronic sliding access gates. New front hardstanding to provide off-street parking

### **3. Proposal**

The applicant seeks permission for: Single storey side and rear extension with raised patio area following demolition of existing garage. Additional no2 bay windows to front elevation with pitched roof to first floor bay. First floor side extension (Amended Plans and Description)

The proposed dimensions for the side/rear extension are: 3.4m-9.8m (depth) x 2.5m- 13.5m (width) x 3.1-3.5m (height). This element in its own right has already been approved under 21/4419/HSE.

The first-floor side extension is proposed at: 1.8m (width) x 5.5m (depth) x 5.8m (eaves) - 7.8m (maximum height).

A pitched roof is also proposed to the approved additional bay windows which have not yet been built out. This measures 3.7m (width) and up to 7.0m from ground level. It protrudes 1.3m above the first-floor front facing bay window.

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

Consultation letters were sent to 12 neighbouring properties, 8 responses were received in objection.

The comments can be summarised as:

- o The applications have been carried out in parts to make each development look small.
- o A site visit should be carried out before any decisions are made
- o Loss of sunlight and privacy into properties on Highview gardens
- o Concerns of parking and noise and disturbance for the additional bedrooms created and reduced garden size
- o Over-development of the property, reducing the appeal of over properties in the area
- o Concerns of HMO use
- o Overbearing and out of character

#### **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.

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 22) 2022

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 (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**

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**

### Impact of the proposal on the character and appearance of the building, the street scene and the wider area

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The single storey side and rear extension has already been approved under 21/4419/HSE. It was deemed that as a precedent of a similar development exists at the neighbouring property at no.14 Highview, which benefits from a similar sized wrap-around side and rear extension which was approved under planning reference no. W16189/07, the principle of this large proposal is not out of character with the surrounding area. In addition, the two additional bay window features at single and first-floor level have already been approved, as well as the raised patio all under 21/4419/HSE.

The neighbouring property at no.10 Highview was approved to undergo a two-storey side extension under planning reference no. W16187/07 in 2007. However, this permission was never implemented. In the surrounding vicinity there are some examples of first-floor or two storey side extensions namely at properties no.19, 20, 43, 52 Highview Avenue as such these types of developments to the dwellings are characteristic of the wider area.

The design of the first-floor side extension is in accordance with Barnets Residential Design Guidance (2016) as it is set down from the main roof ridge by 0.6m, the front wall is set back from the front wall of the property by 1.0m and a 1.0m distance is maintained between the shared boundary allowing for a 2.0m separation between the host property and no.10 Highview Avenue. In addition, the side extension is less than half the width of the existing property. Overall, this ensures that the addition appears as subordinate to the dwelling and allows for the site lines between its neighbouring property to be maintained.

A pitched roof is proposed to the as-approved bay window features (as approved under 21/4419/HSE) which have not yet been built. It was considered during a character assessment of the nearby properties that there is a degree of variation between the front elevation of the properties whereby some feature pairs of bay windows, some only feature only one and some properties have pitched roofs to their bay windows of different sizes. Thus, this element would not detract from such a mixed typology which characterises Highview Gardens. Furthermore, it is modest in size and smaller than the existing pitched roof on the alternative side of the principal elevation thus does not appear dominating.

The external facing materials are to match the existing external facing materials as confirmed via the plans. This will be conditioned into any permission given for this development. The proposed fenestrations are proportionate by way of their size and suitable for the extension. Whilst the front facing first-floor window is not in a central position, this is due to the internal design of the extension. Where this element is set back from the front of the dwelling, it already appears as secondary, and this element is not so harmful to warrant refusal of the application.

The addition of the first floor side extension is not considered to result in a cumulative over-development.

Given the above, the proposal is acceptable with regards to its character to the dwelling and the street scene.

#### Impact of the proposal on the amenities of neighbours

Following the assessment of the wider character and amenity of the area, any potential adverse effects on neighbouring properties must be assessed. Policy DM01 notes that any proposed development must protect the amenity of neighbouring properties. As such, any potential impact on light, outlook, privacy and dominance towards the adjoining properties at no. 10 and no. 14 Highview and the properties at the rear on Highview Gardens.

The impact of the single storey rear and side extension has already been assessed and concluded to be acceptable on all neighbouring properties. Therefore, the below will focus solely on new matters which have not already been approved.

No.14 Highview Avenue sits on the alternative side to the host property and thus will not be affected by the first-floor side extension.

No.10 Highview Avenue benefits from a small flank window which is obscure glazed. The side extension which will be built on this side of the dwelling will not detrimentally reduce light into this window given that it is already obscured and is not window to a habitable room. Furthermore, there is 2.3m gap between the flank walls of the host dwelling and no.10.

The flank and rear facing window proposed to the extension are both noted to be obscure glazed and given this they will not cause any overlooking. The side window will be conditioned to be obscured into any permission granted. It is not considered that the rear facing window will need to be conditioned with this given that there is a significant distance of at least 21m from the proposed window and opposite facing windows on Highview Gardens.

For these reasons it is not considered the proposed extension would harm the amenity of the neighbouring occupiers.

#### **5.4 Response to Neighbouring Consultation**

In terms of matters not discussed in the report above, a site inspection to place to the property on the 10/05/2022. It was noted that the side and rear extension and bay window developments to the front have not yet been built to a substantially complete level and thus they should then form part of the proposal of this application. Therefore, the totality of the scheme has been assessed under this application.

The rear facing window which will face onto Highview Gardens is noted on the plans to be obscure glazed and thus there will not be overlooking caused by the extension. A significant distance between the extension and such properties is maintained of approximately 21m which is not considered in any event to enable harmful overlooking and thus this has not been included as a condition to any permission granted. Furthermore, the proposal is not considered to cause any detrimental loss of sunlight or shadowing to any nearby properties due to its sitting as a side extension.

The owner has confirmed that the use will be a single-family dwellinghouse and there is no intention of it being used as a HMO, hostel or Airbnb type premises. Construction is currently underway to hardstand the front driveway and therefore the property will benefit from sufficient car parking space for at least three cars. Any future breach of planning control would remain liable for enforcement action.

A character assessment has occurred of the wider area and the development to this property is not considered to be out of character with the surrounding area.

#### **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



