

Location 69 Engel Park London NW7 2HN

Reference: 22/0880/HSE Received: 21st February 2022
Accepted: 3rd March 2022

Ward: Mill Hill Expiry: 28th April 2022

Case Officer: Radhika Bedi

Applicant: Mr Mehidi Soleimanzadeh

Proposal: New front porch

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:

Site Location Plan

Drg No NOV21_69ER_01 - Existing Plans, Section and Elevations

Drg No FEB22_69EP_02 - Proposed Plans, Section and Elevations

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. A pre-application advice service is also offered. 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.
- 2 This application does not purport to consider or grant consent for any other existing or proposed development on site beyond the scope of the development description

OFFICER'S ASSESSMENT

1. Site Description

This application site relates to a two-storey semi-detached dwelling located at 69 Engel Park. The dwelling is not listed and it does not fall within a designated conservation area. There are no protected trees within the application site. A pre-existing, unauthorised front porch extension at this site has been demolished pursuant to Enforcement Notice ENF/1218/21. This proposal therefore requests permission for a proposed front porch extension of a smaller scale and nature.

2. Site History

Reference: 17/0478/192

Address: 69 Engel Park, London, NW7 2HN

Decision: Lawful

Decision Date: 15 March 2017

Description: Extension to roof including hip to gable end, rear dormer window and 1no roof light to front elevation

Reference: 17/0519/PNH

Address: 69 Engel Park, London, NW7 2HN

Decision: Prior Approval Not Required

Decision Date: 3 March 2017

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

Reference: 17/3270/PNH

Address: 69 Engel Park, London, NW7 2HN

Decision: Prior Approval Required and Approved

Decision Date: 15 June 2017

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: 17/6060/FUL

Address: 69 Engel Park, London, NW7 2HN

Decision: Refused

Decision Date: 22 November 2017

Description: Conversion of existing dwelling into 2no self-contained flats and erection of first floor rear extension (AMENDED DESCRIPTION)

Reference: 20/3915/191

Address: 69 Engel Park, London, NW7 2HN

Decision: Unlawful

Decision Date: 3 March 2021

Description: Existing outbuilding and covered area

Reference: 21/0491/FUL

Address: 69 Engel Park, London, NW7 2HN

Decision: Application Returned

Decision Date: No Decision Made.

Description: Conversion of single family dwelling into 2 flats

Reference: 21/2125/191

Address: 69 Engel Park, London, NW7 2HN

Decision: Unlawful

Decision Date: 11 June 2021

Description: Erection of a rear outbuilding with a covered area

Reference: 21/3392/FUL

Address: 69 Engel Park, London, NW7 2HN

Decision: Application Returned

Decision Date: No Decision Made.

Description: Conversion of the existing dwelling into 2no self-contained flats

Reference: 21/5521/RCU

Address: 69 Engel Park, London, NW7 2HN

Decision: Pending Decision

Decision Date: No Decision Made.

Description: Erection of a rear outbuilding (Retrospective Application)

Reference: 21/6186/RCU

Address: 69 Engel Park, London, NW7 2HN

Decision: Refused

Decision Date: 2 February 2022

Description: New front porch (Retrospective) Installation of wheelchair lift

Reason for refusal

The proposed single storey front porch extension, by reason of its design, siting, size and excessive forward projection, results in an disproportionate and unsympathetic form of development, incongruous to the established pattern of development and detrimental to the character and appearance of the host property, street scene and wider locality, contrary to Policy D3 of the London Plan (2021), Policies CS1 and 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)

3. Proposal

The proposal relates to a front porch extension. The proposed single storey front porch extension projects forward by 1.5m, is 2.2m wide and 2.5m in height to the eaves, with 3.3m maximum height.

4. Public Consultation

Consultation letters were sent to 10 neighbouring properties.

5 responses have been received, comprising 5 letters of objection.

The objections received can be summarised as follows:

- Overbearing, harm to local character, excessive scale
- Incorrect plans, existing ENF notice

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 on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. 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 case officer.

- 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 previously refused scheme was a large-scale front extension which harmed the characteristic bay window element on the front elevation. This was considered unacceptable to detract from this character element of the dwelling. In addition, Barnets RDG SPD (2016) outlines that front porches or extensions should not interfere with any architectural features of the dwelling.

The proposed scheme differs to the previous refusal by a significant reduction in the dominance and scale of the front porch and separating it from the feature bay window. As

such, this is considered to be a more sympathetic design to the existing character of the house and its bay window feature, without any significant alteration to principal elevation of the dwelling. The door is to be re-located in place of the diamond lantern light.

Given the above, and that front porch extensions are common within the street scene, the proposal is acceptable with regard to its character and appearance. This proposal has also been reduced suitably in comparison to the previously refused planning application, 21/6186/RCU.

It is also worth noting that this site was referred to the planning enforcement team, in regards to the previous front porch extension and an outbuilding, with an enforcement notice being served onto the property. The notice has been complied with as the front porch extension was demolished.

- 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 policies D3 and 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.

As a result of the siting and reduced scale it is not considered that the revised porch would result in undue loss of outlook, light, or privacy such as to cause an adverse impact on the visual or residential amenities of neighbouring occupiers.

5.4 Response to Public Consultation

Key planning considerations have been addressed within 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.

