

Location **24 Holders Hill Drive London NW4 1NJ**

Reference: **23/0849/HSE** Received: 28th February 2023
Accepted: 1st March 2023

Ward: Finchley Church End Expiry 26th April 2023

Case Officer: **Kate Foster**

Applicant: Mr Michael Evers

Proposal: Retention of single storey rear extension with proposed timber cladding to rear and side elevations. External alterations to the connection between the single storey rear extension and garage (AMENDED PLANS AND DESCRIPTION)

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 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 single storey rear extension, by reason of its scale, bulk, depth, design and siting and the proposed timber cladding to rear and side elevations, would constitute an unduly disproportionate and unsympathetic addition, overly large and dominant within this modest plot and resulting in an overdeveloped garden area incongruous to the established pattern of development and detrimental to the character and appearance of the host property and surrounding area, contrary to Policy D3 of the London Plan (2021), Policy CS5 of the Barnet Local Plan (Core Strategy) DPD (2012), Policy DM01 of the Barnet Local Plan Development Management Policies) DPD (2012) and the Residential Design Guidance SPD (2016)
- 2 The single-storey rear extension has resulted in the loss of existing outdoor amenity space at the host property meaning that insufficient space would be retained in order to meet the likely demands of occupiers of the property to the significant detriment of the residential amenities of existing and future occupiers, contrary to Policy CS5 of the Barnet Local Plan (Core Strategy) DPD adopted 2012 and Policies DM01 and DM02 of the Barnet Local Plan Development Management Policies) DPD adopted 2012, the Residential Design Guidance SPD adopted 2016 and the Sustainable Design and Construction SPD adopted 2016.

- 3 The single-storey rear extension, by reason of its cumulative size, depth, height and siting, would appear visually obtrusive, overbearing and result in an undue loss of outlook and increased sense of enclosure to the detriment of the residential amenities of neighbouring occupiers at No. 26 Holders Hill Drive, contrary to Policy CS5 of the Barnet Local Plan Core Strategy (adopted 2012) and Policy DM01 of the Barnet Development Management Policies DPD (adopted 2012), the Residential Design Guidance SPD (adopted 2016), and Policy D3 of the London Plan (adopted 2021)

Informative(s):

- 1 The plans accompanying this application are:

EX-3D, EX-E001, EX-P002, EX-3D- 01, EX-E002, PRE-3D, PRE-E001, PRE-E002, PRE-P001, PRE-P002, PRE-3D-01, PR-E001, PR-P001, PR-P002, PR-3D-01, PR-E002, EX-P001, PR-3D

- 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. 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.

OFFICER'S ASSESSMENT

This application has been called in to committee by Councillor Greenspan for the following reason:

'Based on my assessment of the adopted planning Policy DM01 sub part b and g, the retrospective development proposals meet the local characteristics and retain outdoor amenity space in consideration of its character context. The siting of the extension at the rear of the property with a neutral impact on the wider context is not sufficient grounds for refusal'

1. Site Description

The application site contains a two storey, semi-detached single family dwellinghouse situated at 24 Holders Hill Drive, London, NW4 1NJ, within the Finchley Church End ward.

The property has benefitted from extensive development in recent years including a single storey rear extension (16/1868/PNH) and an outbuilding, erected following the demolition of an existing garage (17/6895/192). These two structures have been combined to create an unlawful infill extension, and an enforcement notice (ENF/1600/18) has been served requiring the demolition of the single storey rear extension element.

The surrounding area is predominantly residential, consisting of two-storey semi-detached dwellings of a similar architectural style and sizing, which feature two-storey bay windows located on the front elevations of the dwellinghouse and amenity space to the rear.

The site is located on Flood zone 1 (low probability of flooding from rivers) and is in area defined as having a low risk of surface water flooding.

The site is not within a conservation area (designated as Article 2(3) land in The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended), nor is the property listed.

2. Site History

Planning History

Reference: 16/1868/PNH

Address: 24 Holders Hill Drive, London, NW4 1NJ

Decision: Prior Approval Not Required

Decision Date: 22 April 2016

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

Reference: 16/3024/192

Address: 24 Holders Hill Drive, London, NW4 1NJ

Decision: Lawful

Decision Date: 4 July 2016

Description: Extensions to roof including hip to gable end , rear dormer and 2 no rooflights to the front elevation. Single storey rear extension. Erection of an outbuilding within the rear garden. New hardstanding to the front garden, removal of front boundary and associated landscaping to make provisions for car parking and associated vehicular access

Reference: 17/3952/HSE

Address: 24 Holders Hill Drive, London, NW4 1NJ

Decision: Refused

Decision Date: 16 August 2017

Description: Part single, part two storey rear extension following demolition of existing garage. New hardstanding to front to provide vehicular access. New front porch with alterations to access steps.

Reason(s):

1. The proposed ground and first floor rear extensions would by reason of their combined size, design, siting and scale result in overbearing, visually obtrusive and unsympathetic additions to the host property which would be an overdevelopment of the site detrimental to the character and appearance of the host property and pair of semi-detached houses of which it forms part and the character and appearance of the surrounding area contrary to Policy DM01 of the Barnet Development Management Policies DPD (2012), Policies CS1 and CS5 of the Barnet Core Strategy (2012), Policy 7.6 of the London Plan (2016) and the advice contained within the Barnet Residential Design Guidance Supplementary Planning Document (2016).

2. The proposed ground and first floor rear extensions would, by reason of design, size, scale, and siting be overbearing and visually obtrusive detrimental to the amenities of neighbouring residents at 22 and 26 Holders Hill Drive as well as resulting in loss of light detrimental to the amenities of neighbouring residents at 22 Holders Hill Drive, contrary to Policy DM01 of the Barnet Development Management Policies DPD (2012), Policies CS1 and CS5 of the Barnet Core Strategy (2012), Policy 7.6 of the London Plan (2015) and the guidance contained within the Barnet Residential Design Guidance Supplementary Planning Document (2013).

Reference: 17/6895/192

Address: 24 Holders Hill Drive, London, NW4 1NJ

Decision: Lawful

Decision Date: 24 November 2017

Description: Erection of a single storey rear outbuilding following demolition of the existing garage

Reference: 18/5151/HSE

Address: 24 Holders Hill Drive, London, NW4 1NJ

Decision: Refused

Decision Date: 16 October 2018

Description: First floor rear extension. Retention of single storey rear infill extension linking existing single storey rear extension to existing rear outbuilding

Reason(s):

1. The ground and first floor extensions would by reason of their combined size, design, siting and scale result in overbearing, visually obtrusive and unsympathetic additions to the host property which would be an overdevelopment of the site detrimental to the character and appearance of the host property and pair of semi-detached houses of which it forms part and the character and appearance of the surrounding area contrary to Policy DM01 of the Barnet Development Management Policies DPD (2012), Policies CS1 and CS5 of the Barnet Core Strategy (2012), Policy 7.6 of the London Plan (2016) and the advice contained within the Barnet Residential Design Guidance Supplementary Planning Document (2016).

2. The proposed ground and first floor rear extensions would, by reason of design, size, scale, and siting be overbearing and visually obtrusive resulting in a sense of enclosure to the detriment of the residential amenities of neighbouring occupiers at no. 22 and 26 Holders Hill Drive, contrary to Policy DM01 of the Barnet Development Management Policies DPD (2012), Policies CS1 and CS5 of the Barnet Core Strategy (2012), Policy 7.6 of the London Plan (2015) and the guidance contained within the Barnet Residential Design Guidance Supplementary Planning Document (2016).

Reference: 19/1566/HSE
Address: 24 Holders Hill Drive, London, NW4 1NJ
Decision: Approved subject to conditions
Decision Date: 16 August 2019
Description: Single storey rear extension

Reference: 21/0605/HSE
Address: 24 Holders Hill Drive, London, NW4 1NJ
Decision: Refused
Decision Date: 7 April 2021
Description: Retention of single storey rear infill extension linking existing single storey rear extension to existing rear outbuilding (Retrospective)
Reason(s):

1. The single storey rear infill extension linking existing single storey rear extension to existing rear outbuilding, by reason of their combined size, design, siting and scale results in bulky, visually obtrusive, unsympathetic additions to the host property which represent an overdevelopment of the site detrimental to the character and appearance of the host property and pair of semi -detached houses of which it forms part and the character and appearance of the surrounding area contrary to Policy DM01 of the Barnet Development Management Policies DPD (2012), Policies CS1 and CS5 of the Barnet Core Strategy (2012), Policy 7.6 of the London Plan (2016) and the advice contained within the Barnet Residential Design Guidance Supplementary Planning Document (2016).

2. The single storey rear infill extension linking existing single storey rear extension to existing rear outbuilding, by reason of design, size, scale, and siting is overbearing and visually obtrusive resulting in a sense of enclosure to the detriment of the residential amenities of neighbouring occupiers at no. 22 and 26 Holders Hill Drive, contrary to Policy DM01 of the Barnet Development Management Policies DPD (2012), Policies CS1 and CS5 of the Barnet Core Strategy (2012), Policy 7.6 of the London Plan (2015) and the guidance contained within the Barnet Residential Design Guidance Supplementary Planning Document (2016).

Enforcement History

Reference: ENF/1600/18
Description: Development of a single storey rear extension (as shown in attached photo) without planning permission.
Decision: AEN - Authorise Enforcement Notice
1. Demolish the single storey rear extension.
2. Permanently remove all constituent materials resulting from the works in 1. above from the property.
Decision Date: 30.01.2019

3. Proposal

Planning permission is sought for:

Retention of single storey rear extension with proposed timber cladding to rear and side elevations. External alterations to the connection between the single storey rear extension and garage

The retention of the existing single storey rear extension (approved under 16/1868/PNH) is

proposed which has an existing depth of 6.00 metres, an eaves height of 3.50 metres and a maximum height of 3.50 metres.

Timber cladding is proposed to be added to all elevations of the existing outbuilding (approved under 17/6895/192).

The proposal seeks to reduce the width of the existing unauthorised internal doorway between the existing outbuilding (17/6895/192) and the existing single storey rear extension (16/1868/PNH) by 0.3 metres.

4. Public Consultation

Consultation letters were sent to 5 neighbouring properties. No replies were received.

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 current iteration of the 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 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 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.

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 Draft Local Plan

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

- 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), D3 and D4 (both of the London Plan 2021).

- Retention of single storey rear extension

Officers note that the 6.00 metre deep single storey rear extension (previously approved under prior approval ref. 16/1868/PNH) has been carried out in conjunction with the erection of the former garage outbuilding (17/6895/192), creating an (intended) infill extension, internally linking the two proposals. This aspect of the development appears to have been carried out under one building operation, therefore rendering by default the prior approval aspect of scheme 16/1868/PNH unlawful. This development became subject to an Enforcement Notice (ENF/1600/18) which served notice for the demolition of the single storey rear extension and removal of all constituent materials resulting from the works. An appeal decision (ref. APP/N5090/C/19/3224807) upheld the enforcement notice, extending the period of compliance from 3 months to 5 months, the applicant was therefore required to demolish the existing single storey rear extension. A site visit on 05.04.2023 confirmed these demolition works have not taken place, and the single storey rear structure and materials remains in place.

The applicant subsequently applied for a HSE application (ref. 19/1566/HSE) for a single storey rear extension, this was approved subject to the following condition (6) - 'The garage outbuilding shown on drawing HOHID-P501 shall be demolished prior to first occupation of the extension hereby approved'. This garage outbuilding was not demolished as confirmed by a site visit on 05.04.2023, as such the proposed timber cladding to this unauthorised structure would be unlawful. A further retrospective HSE application (ref. 21/0605/HSE) was then submitted for the retention of the single storey rear infill extension linking the existing single storey rear extension to the existing rear outbuilding. This was refused under character and amenity grounds with officers deeming the proposal to represent an overdevelopment of the site. The host site is therefore occupied by an unlawful form of existing development, as such any further forms of development or alterations, including the timber cladding and external alterations, would be non-compliant with 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 as well as Policy RD1 of the Neighbourhood Plan.

On the basis of aforementioned refusal (ref. 18/5151/HSE) for retrospective works, appeal (ref. APP/N5090/C/19/3224807) was dismissed on character grounds against enforcement notice (ref. ENF/1600/18). Within paragraph 12 and 13 of the inspectorate's report it states: "I acknowledge that the extension would not be readily visible from public vantage points. However, it would be visible from the rear of neighbouring properties even with the existing screen fencing, which may or may not be permanent. The scale of the extension has resulted in an addition that appears overly large and dominant within this modest plot, giving it an overdeveloped appearance. The scale and mass of the extension is further exacerbated by its proximity to the existing outbuilding, that almost spans the width of the

plot along the rear boundary. Moreover, the resultant garden size is very small when compared with the original and others in the area. For the above reasons I find that due to the dominant appearance, scale and mass of the extension it has resulted in an incongruous form of rear garden development that dominates the host property and fails to respect, preserve and enhance the local character of the area. Consequently, it results in significant harm to the character and appearance of the area and would therefore conflict with policies DM01 of the Barnet's Local Plan (Development Management Policies) Development Plan Document (2012) (the LP) and policies CS1 and CS5 of the Barnet's Local Plan (Core Strategy) Development Plan Document (2012) (the CS). In summary these policies seek to ensure that all development is of high quality that preserves or enhances local character ".

The inspectorate's decision in this regard forms a material consideration for the refusal of the development on character grounds given that there are no significant structural changes between the single storey rear extension refused under ref. 18/5151/HSE and the current proposal, officers therefore consider these inspectorate's comments to be relevant in the assessment of this application.

The applicant has noted that other properties within the vicinity of the host site benefit from single storey rear extensions - including Nos 30, 36 and 38 which have all allowed internal connections between the existing garages and single storey rear extensions. However, it is worth noting that the additions at no. 36 and 38 are of a smaller scale in comparison to the host site, with the single storey rear extension elements having a depth of 4.00 metres and 5.39 metres, and the garages 5.75 metres and 5.20 metres. Relative to that, the proposal at no. 24 would be considered to be an overdevelopment with a combined depth of 12.00 metres. Whilst the existing development at no. 30 has a similar depth to the proposal, it is noted that this site does not benefit from an outbuilding like the host site, and thus is not considered to be an overdevelopment in terms of the total amount of building and the associated compromise to the amenity space standards of the site.

In addition to this, all of the neighbouring proposals were approved within the context of the two structures being lawful - whilst the proposal at the application site was implemented as one structure and thus remains unlawful. Prior approval cannot be retrospectively applied to the development and so any fall-back position has been extinguished. In addition to this, unlike no. 24, no enforcement action has been taken against these neighbouring sites and they also all comply with amenity space standards, providing sufficient private rear amenity space to occupiers.

Outdoor amenity space

The SPD (table 1.2) states that 85m² of outdoor amenity space is required for seven or more habitable rooms ... [and] ... development will not be permitted if it compromises the minimum outdoor amenity space standards. The existing/proposed plans confirm that the host site benefits from eight habitable rooms, including the 2no habitable rooms of the living/dining area that exceeds 20sqm, and 77.4 square metres of outdoor amenity space. This would not comply with the standards as set out in the SPD 2016, and this breach in outdoor space would result in insufficient private rear amenity space being retained for the current and future occupiers of the dwellinghouse.

Timber Cladding

Upon review of aerial imagery, it is noted that there are no other examples of timber

cladding within the locality of Holders Hill Drive, properties within this vicinity, including the host site, typically benefit from red brick or white render finish, as such the proposal would be out keeping with the character of existing development in the surrounding area.

External alterations

The proposed external alterations to the retrospective infill extension would reduce the width of the internal doorway to the playroom by approximately 0.30 metres. It is acknowledged that this would not reinstate the gap as illustrated in the prior approval and as such would not bring the proposal in line with the requirements of the Notice.

As such it is considered that the proposed development would be detrimental to the character and appearance of the host property and the surrounding area contrary to Policy DMO1.

- 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.

The adjacent neighbouring property no.22 Holders Hill Drive, located directly to the north of the host site benefits from an existing single storey rear extension with a depth of approximately 3.00 metres. The existing single storey rear extension at the host site extends a further 3.00 metres along the shared boundary with no. 22, and as such would bear an acceptable level of impact on outlook and light, similar to lawful development. Furthermore, this boundary is bordered by an existing fence with privacy panelling - the proposed timber cladding and external alterations would therefore not be visible from the rear amenity space at this neighbouring property, having no detrimental amenity impact upon the neighbouring occupiers of no. 22.

The existing unlawful development at the host site extends 12 metres along the shared boundary with the adjacent neighbouring no. 26 Holders Hill Drive, located to the south of no. 24. Even though there is a gap of approximately 2.00 metres between the two properties, the single storey rear extension extends with an increased depth and height compared to the former garage. Due to the siting, mass, bulk and scale of the development, the retention of the single storey rear extension is therefore deemed to result in an overbearing and visually obtrusive form of development resulting in a sense of enclosure to neighbouring no. 26, contrary to Policy DM01.

In support of this assessment, on the basis of earlier refusal ref 18/5151/HSE for retrospective works, an appeal ref APP/N5090/C/19/3224807 was dismissed on residential amenity grounds against enforcement notice ref ENF/1600/18. Para. 14-17 of the inspectorates report it states:

The flank wall of the longest elevation extends some 12 metres along the common boundary with No.26. The view of this imposing long flank wall in such close proximity, to the rear garden appears uncompromising and overbearing. It results in an extremely poor outlook and a strong sense of enclosure throughout much of the length of their back garden. Overall, I find that due to the scale and positioning of the extension, there is unacceptable harm to the living conditions of the residents at No.26 Holders Hill Drive. The development is therefore contrary to policies DM01 of the LP and policies CS1 and CS5 of

the CS. These policies aim to ensure that development protects and enhances the gardens of residential properties and are designed to allow for adequate outlook for adjoining residents. In support of the appeal, my attention has been drawn to other properties in the area which have already been extended in a similar manner to the appeal property, including No.30 Holders Hill Drive. However, I have little evidence before me to confirm the history and circumstances of these sites or to assess any differences in the proposals. In any event, I have to determine this appeal on its own planning merits, and their presence would not justify granting this appeal"

The inspectorate's decision in this regard forms a material consideration for the refusal of the development on residential amenity grounds.

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 surrounding area. This application is therefore recommended for REFUSAL.

