

Location 23 Wickliffe Avenue London N3 3EL

Reference: 22/5735/HSE Received: 29th November 2022
Accepted: 29th November 2022

Ward: Finchley Church End Expiry 24th January 2023

Case Officer: **Keshni Patel-Rayani**

Applicant: Mr Mohammad Mashayekhi

Proposal: Part single, part two storey rear extension following the demolition of existing two storey outrigger. Roof extension involving 2no rear dormers and 2no front facing rooflights. Changes to front and rear fenestrations. (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:

Existing Floor Plans Drawing Number 18/3189/7 Dated 30/04/2018
Proposed Floor Plans Drawing Number 18/3189/112 Dated 30/04/2018
Existing Elevations Drawing Number 18/3189/9 Dated 30/04/2018
Proposed Elevations Drawing Number 18/3189/110 Dated 30/04/2018
Existing Site Plan Drawing Number 18/3189/5 Dated 08/03/2018
Proposed Site Plan Drawing Number 18/3189/106 Dated 08/03/2018
Proposed Street Scene Drawing Number 18/3189/11 Dated 03/08/2018

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 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 elevations facing 21 and 25 Wickliffe 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

The application has been referred to committee due to the number of objections.

1. Site Description

The application site contains a two-storey detached single family dwelling on the south side of Wickliffe Avenue within the Finchley Church End ward. The property is a relatively large property with a bay front, hipped roof and relatively good-sized garden. It is located on the cul-de-sac of Wickliffe Avenue, which leads down to Windsor Open Space, noted as an attractive park.

The site is not within a conservation area and is not within an area covered by an Article 4 direction. Furthermore, there are no conditions attached to the site which remove permitted development rights.

The surrounding area can be characterised as two storey semi-detached residential properties, with front and back gardens. Most properties are generally set to follow the contours of the street which runs down to the park. Levels across the site slope east downwards to the west.

A large block of flats is located to the north (known as Cranmer Court), at the end of the road. In addition, a purpose-built block of flats (granted consent under reference 15/02194/FUL), which replaced two semi-detached dwellings.

2. Proposal

The proposal seeks full planning consent for part single, part two storey rear extension. Roof extension involving 2no rear dormers and 2no front facing rooflights. Changes to front and rear fenestrations.

The proposed two storey rear extension would measure, 10.8m in width and 4m in depth at ground level and 3m in depth at first floor level. The proposed two storey rear extension would support a hipped roof which would be incorporated into the main dwelling, the ground floor rear extension would also consist of a hipped roof.

During the life of the application the front dormer along with the roof over the two storey bay window was removed. The planning application now involves a roof extension involving 2 rear dormers that would measure a width of 1.8m, a depth of 1.8m and a height of 1.6m which is supported by a flat roof. The proposal also includes a two front rooflights to the front elevation.

It should be noted that the application has been amended to match the previously approved application under ref 18/5182/HSE dated 25.09.2018.

b 3. Planning History

Reference: 19/5042/FUL

Address: 23 Wickliffe Avenue, London, N3 3EL

Decision: Refused

Decision date: 13 November 2019

Description: Demolition of existing dwelling and erection of 3 no. two storey dwellings with rooms in the roofspace, in the form of townhouses. Associated refuse/recycling, vehicle parking, cycle parking and storage and amenity space [AMENDED DESCRIPTION]

Reference: 18/5772/FUL

Address: 23 Wickliffe Avenue, London, N3 3EL

Decision: Refused

Decision date: 20 November 2018

Description: Conversion of existing house into 4no. maisonettes, including part single, part two storey rear extension and roof extension with 2no. rear dormer windows and 2no. rooflights to front roofslope. Associated amenity space, refuse storage, cycle store and provision of 4no. off street-street parking spaces and new vehicular access

Appeal reference: APP/N5090/W/19/3224259

Appeal decision: Dismissed

Appeal decision date: 18 July 2019

Reference: 18/5182/HSE

Address: 23 Wickliffe Avenue, London, N3 3EL

Decision: Approved

Decision Date: 25.09.2018

Description: Two storey rear extension. Roof extension involving rear dormer window and 2no front rooflights. Changes to front and rear fenestration

Reference: 18/3331/FUL

Address: 23 Wickliffe Avenue, London, N3 3EL

Decision: Refused

Decision date: 11 July 2018

Description: Conversion of existing house into 4no. maisonettes, including part single, part two storey rear extension, new two storey front bay window and roof extension with front and rear dormer windows. Associated amenity space, refuse storage, cycle store and provision of 4no. off street-street parking spaces and new vehicular access

Reference: 18/3174/192

Address: 23 Wickliffe Avenue, London, N3 3EL

Decision: Lawful

Decision Date: 25 May 2018

Description: Erection of rear outbuilding. New rear hardstanding

Reference: 17/0645/PNH

Address: 23 Wickliffe Avenue, London, N3 3EL

Decision: Prior Approval not required

Decision Date: 17 March 2017

Description: Single storey rear extension with a proposed depth of 5 metres from the original rear wall, eaves height of 2.7 metres and a maximum height of 3 metres

Reference: 16/6841/PNH

Address: 23 Wickliffe Avenue, London, N3 3EL

Decision: Prior Approval Required and Refused

Decision Date: 21 December 2016

Description: Single storey rear extension with a proposed depth of 5 metres from original rear wall, eaves height of 2.7 metres and a maximum height of 3 metre

Reference: 16/5541/192

Address: 23 Wickliffe Avenue, London, N3 3EL

Decision: Lawful

Decision Date: 13 October 2016

Description: Rear and side dormer roof extension (involving conversion of roof space into habitable use) and three roof lights to the front roofslope.

Reference: 16/5506/PNH

Address: 23 Wickliffe Avenue, London, N3 3EL

Decision: Prior Approval Required and Refused

Decision Date: 30 September 2016

Description: Single storey rear extension with a proposed depth of 5 metres from original rear wall, eaves height of 2.7 metres and maximum height of 3 metres

Reason for refusal: Neighbours, no site location plan

Reference: 15/06091/FUL

Address: 21-23 Wickliffe Avenue London N3 3EL

Decision: Refused

Decision Date: 09 November 2015

Description: Demolition of existing buildings and erection of 1 no. two storey building with basement and rooms in roof space to provide 7 no. self-contained flats with associated parking, refuse storage, amenity space and landscaping.

Appeal reference: APP/N5090/W/15/3139738

Appeal decision: Appeal dismissed.

Appeal decision date: 5 April 2016

4. Public Consultation

Consultation letters were sent to 40 neighbouring properties. 6 Responses have been received, comprising of 6 letters of objections:

The objections received can be summarised as follows:

- Concerns relating to a potential HMO, objection relates to the proposed development being converted into a large HMO which would not be suitable for the subject location. Unable to cope with the addition of vehicles, and with the increased parking that would result from the house being utilised as a HMO as well as the dangerous precedent that it sets for the rest of the road, which has been comprehensively detailed by the Planning Inspectorate at previous applications at this property.
- I am very concerned about the detrimental effect on the residents and general environment at the bottom end of Wickliffe Avenue with this proposed development, limited parking. People who visit the Windsor Open Space won't have enough parking space. Contrary to the local Plan.
- Potential use as a HMO, potentially 7 vehicles belonging to residents of the proposed development leading to 3 extra parking spaces which will result in a substantial take up of road. If 23 Wickliffe Avenue was turned into an HMO, most likely there would

be a request for a dropped curb along the whole of its frontage. Then the road would inevitably lose yet further existing parking spaces. If, on the other hand, the proposed development of 23 Wickcliffe Avenue was to be for a one-family residence, there would not be a parking problem as there is already provision for three cars on its forecourt.

- Potential HMO would add to noise, with parties throughout the year and barbecues in the summer in the small back garden. All the residents next door at Wickcliffe Court are retired, some with serious medical conditions.
- Neighbouring occupiers enjoy substantial light into both our kitchen and main living room through windows that will be significantly affected by the proposed two storey development. This will make both rooms much darker than at present. If the application is limited to only a one floor expansion at the rear, then our light will be unaffected.
- An HMO is clearly not in keeping with other properties in Wickcliffe Avenue. As there is no proposed increase in parking on the site, there might well be a major problem over parking on the street, Already, on occasions the road is fully used for parking by residents., visitors and people using the Windsor Open Space.
- The proposed application is completely out of keeping with the nature of the street. Should planning be permitted, it must be restricted to use as a Family home and no other rooms, including the new structure in the garden, may be converted into bedrooms.
- Reference to previous appeal decision whereby Inspector refused on grounds of intensification/increase in households [in the context of flats]

The application was re-consulted for 14 days on the amended plans, however further representations from neighbours objecting to the proposal was received. The representations received from the neighbours are summarised above.

Further to the above objections, comments were received regarding the lighting to flats 2, 4, 5, 7, 8 and 9. Comments mentioned that reduced light as a result of an extension to the rear of no 23 would be significant.

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 19th February 2019. 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 2016

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 London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London 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, DM17

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.

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.

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. Assessment of proposal**

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 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).

It should be noted that an identical application was approved subject to conditions on the application site under ref 18/5182/HSE dated 25.09.2018, therefore for clarification purposes this application is a renewal of the previously approved application.

Single storey rear extension:

The Residential Design Guidance SPD advises for a depth of 4m for single storey rear extensions of detached properties. The proposed single storey rear extension would comply with this guidance, with its depth subordinate to the main dwelling.

The development would involve the demolition of existing single storey outrigger at the rear to facilitate the proposed developments.

The proposed ground floor extension would be contained to the rear of the property and therefore would not be visible from the street, many surrounding properties benefit from rear extensions of similar depth and therefore it is not considered to detract from the character of the local area.

The proposed ground floor rear extension supports a hipped roof which is considered to be subordinate and in keeping with the existing property.

First Floor Rear Extension:

The SPD 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."

The proposed first-floor rear extension would expand across the full width of the property and project 3.0m depth from the original rear wall, it would be supported by a hipped roof which would be incorporated into the main roof form and to form a crown platform.

Although the first-floor rear element would be within 2 metres from the neighbouring boundary, a gap of 3.1 meters is maintained between 21 Wickliffe and 25/27 Wickliffe Avenue. A 2.8-meter gap is maintained between the application site and no 21 Wickliffe Avenue. Further to this an extant permission under ref 18/5182/HSE was granted for the same proposal under the same guidelines.

The proposed rear extensions would have would appear subordinate and sympathetic to that of the original property.

Roof Extensions and changes to fenestration:

Para. 14.33 of the Residential Design Guidance 2016 states that dormer roof extensions should not overlap or wrap around the hips or rise above the ridge. Adequate roof slope above and below the dormer is required on semi-detached and terraced properties, the dormer extension should be set in at least 1 metre from the party wall, flank wall or chimney stack. Dormer roof extensions should normally be subordinate features on the roof and should not occupy more than half the width or half the depth of the roof slope.

The rear dormers would adhere to the Residential Design Guidance SPD and therefore appear visually contained within the roof slope and subordinate on the roof slope in terms of scale bulk and mass. Alterations to the roof would support the conversion of the loft space to provide additional habitable accommodation by way of 2no. bedrooms. The dwelling would therefore increase from 5no. bedrooms to 7no. bedrooms.

The alterations to fenestration include replacing the existing windows on both the front and rear elevations. There are no new or windows proposed on the side elevations of the property, the materials proposed match and relate more sympathetically to the design and materials of the original and therefore is considered acceptable.

Overall, the development is not considered to prejudice the character and appearance of the host dwelling and local context.

Whether harm would be caused to the living conditions of neighbouring residents:

Barnet's Residential Design SPD provides clear guidance with regard to what is expected from new developments to ensure that the amenity of neighbouring occupants is not harmfully impacted. With regard to this application, the key concern is whether the proposal would result in any degree of overlooking to neighbouring sites and if overshadowing, loss of outlook and loss of light would occur as a result of the development.

21 Wickliffe Avenue:

No 21 benefits from an extension to the rear of the property. Due to the spacing, orientation and sitting of the applicant site, officers note that the proposed ground floor rear extension would not protrude beyond the existing rear building line of neighbouring No. 21 Wickliffe Avenue.

The proposed first floor rear extension is set 2.8m away from the flank wall of the no 21. The application does not include any windows to the flank of the property and therefore considered to mitigate any overlooking and loss of privacy.

As such, the proposal would not give rise to an unacceptable amenity impact in regard to loss of light, outlook or overbearing impact to the neighbouring occupiers.

25/27 Wickliffe Avenue:

No 25/27 is a large block of flats also known as Cranmer Court. In addition, a purpose-built block of flats (granted consent under reference 15/02194/FUL), which replaced two semi-

detached dwellings. The proposed first floor rear extension would be set 3.1m away from the flank wall of Cramer Court. The proposed development would extend in line with the Residential Design Guidance SPD 2016 in respect of depth at ground and first floor level within 2.0m of the common boundary. Despite this given the above circumstances, the development would not give rise to any undue impact upon the neighbouring occupiers of no. 225/27 in respect of loss of light, outlook and privacy.

No openings would be inserted in the flank walls of the extensions.

The extensions are not considered to be overbearing to either neighbouring property and would not encompass them or cause a tunnelling effect.

The 2no. rear dormer windows within the roofslope would directly look out onto its respective rear garden however overlook rear adjacent neighbouring properties at an angle similar to rear facing first floor window openings and therefore would not lead to direct overlooking and loss of privacy to neighbouring occupiers.

A condition has been attached to ensure no windows are inserted in the flank walls without the approval of the LPA in order to further safeguard the amenity of neighbouring occupiers.

Overall, the development is not considered to prejudice the amenity of neighbouring properties.

5.4 Response to Public Consultation

The potential loss of light has been reviewed in the assessment of proposals and is not considered to cause significant harm to the neighbouring residents.

The current proposal does not propose or mention in the application description to change the use of the current property to HMO, and therefore the application has not been assessed in terms of changing the use. Furthermore, confirmation from the agent was received stating that the application is solely for the a house extension and not for any change of use to a HMO. It should be noted changes to the dwellinghouse to HMO would require a separate planning application.

In regards to comments relating to the parking, the existing property benefits from a front hardstanding which accommodate adequate parking spaces as mentioned in DM17 of the Development Management Plan.

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.