

Location 5 Hillary Rise Barnet EN5 5AZ

Reference: 23/0442/HSE
Received: 2nd February 2023
Accepted: 3rd February 2023

Ward: Barnet Vale Expiry 31st March 2023

Case Officer: Asha Chhabhaiya

Applicant: Ms Olesea Nosrati

Proposal: Part single, part two storey side and rear extension with new access steps. New front porch. Addition of 1no flat rooflight and externally rendered walls. New front hardstanding and landscaping.

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:

- A101 rev B
- A102 rev B
- A103 rev B
- A104 rev B
- A105 rev B
- A106 rev B
- A107 rev B
- A108 rev B
- A110 rev B
- A111 rev B
- A112 rev B

A113 rev B
A114 rev B
A115 rev B
A116 rev B
A117 rev B

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 elevation(s), of the extension(s) hereby approved, facing No.6.

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).

- 5 The flat roofs of the extensions 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).

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 and the Applicant engaged with this prior to the submissions of this application. 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 site relates to a two-storey detached dwellinghouse, located uniquely at the end of a cul-de-sac on Hillary Rise, within the Barnet Vale ward.

The surrounding area is residential in character comprising predominantly of detached single storey and two storey dwellings of similar architectural form and style.

The application site benefits from a front hardstanding and rear amenity space. The application site does not lie within a conservation area or contain a locally or statutory listed building.

2. Site History

Planning

N/A

Enforcement

N/A

3. Proposal

Erection of a two-story side extension, front porch and single storey side extension with the change of existing house material from brick to insulated white render. New front gate, rear ground alterations.

The two-storey side extension would measure 3.6m in width and 9.5m in depth, incorporating a pitched roof design.

The front porch would measure 2.7m in width and 1.1m in depth, incorporating a monopitch roof design.

The single storey side extension would measure 2.7m in width and 4m in depth, incorporating a flat roof design.

4. Public Consultation

Consultation letters were sent to 5 neighbouring properties.

1 objection has been received

The objections received can be summarised as follows:

- o Render-The building will be built on the boundary. Will not let the applicant come on the property to undertake the render works.
- o Damage to the neighbouring property/patio. Falling equipment.
- o Use specialist equipment to demolish.
- o Window to the side elevation.
- o Will block the light in the kitchen.
- o The host property is higher than the neighbours.
- o Discrepancies on the plans
- o The rooflight will look into the neighbour home.
- o The white render will be jarring in the street.
- o Rear Garden will be unstable.
- o What is a plant room?
- o Will use drills and sawing if the use of the property will change/industrial noise.
- o Will it be a dry cleaner?
- o Neighbour hedges on the plans.
- o Out of character.
- o Will go into the neighbour's air space.
- o Flooding/gutters
- o Party wall agreement.

This application has been called before committee by Councillor Barnes the reasons are summarised as follows:

- o The length and height of the extension that is along the neighbours boundary would be very close to her side door.
- o The light available from the side door and side window may well be affected adversely.
- o The appearance of any render that may be put on the extension
- o Where water from the flat roof will drain to - plans do not seem to show where any guttering will be.
- o Any ground works taking place to allow the back patio to be extended and the effect on the neighbours garden - the ground rises quite steeply behind both properties.

- o An attempt to get a party wall agreement from the developers has not had any response

POLICY CONTEXT

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 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, is indivisible from good planning, and should contribute positively to making places better for people'. 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 Policy: CS5
- Relevant Development Management Policies: DM01, DM02.

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

The Residential Design Guidance SPD (adopted October 2016) provides detailed guidance that supplements policies in the adopted Local Plan, and sets out the residential design standards in Barnet.

- Relevant Residential Design Guidance SPD Policies: 14, 15

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

Impact on the Character of the Area

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), D3 (of the London Plan, 2021).

Amendments

Amendments were requested to remove the balcony.

The render colour is now brown to fit better in with the street.

The Residential Design Guidance SPD states that 'side extensions should not be more than half the width of the original house. In addition, the setting back of the front wall of side extensions from the front building line can help to reduce the visual impact on the street scene. First floor side extensions should normally be set back 1 metre from the front main wall of the existing house.' In addition, 'pitched roofs, following the same pitch as the existing roof, will normally be needed for two storey extensions and be set down at least 0.5 metre from the ridge of the main roof.'

The ground floor side extension would comply with the above guidance, with subordinate features to the main dwelling. Regarding the two-storey side extension, it would be set acceptably away from the front elevation and side boundary. Although its width would measure 0.6m more than half the width of the main part of the dwelling, this would be considered minor, with its design still in character to the dwelling, especially due to its 'tucked away' location at the end of the street.

The front extension would have proportionate dimensions, with an overall design that would respect the character of the main dwelling and street scene. Given the siting of the proposed extensions, they are not considered to harm the character of the property or the streetscene. The extensions would not appear out of context. Each application must be assessed on its own merits and due to the siting of this property, it is not considered that the proposal would be harmful to the character of the street. The extensions are considered to be proportionate and of an appropriate design.

The extension of the existing patio would be sunken patio and therefore no impact on character of the area.

Impact on Amenity of neighbouring occupiers

6 Hillary Rise

6 Hillary Rise would be shielded from the two-storey side extension by the main dwelling.

Due to the modest scaling of the single storey side extension and its siting, it is considered to have an acceptable impact on the amenity of No.6. There will be no flank window that will face No.6.

The proposed development of a single storey side element has been discussed with regards to its potential impact on the light available to the kitchen in number 6, which is adjacent to the proposed development. It has been found that the proposed development will move forward of the neighbour's side door and window, and this will result in a blockage of light to the kitchen in number 6.

However, it should be noted that the current kitchen in number 6 is dual aspect with a window to the front elevation. This means that even if there is a loss of light from the proposed development, the kitchen will still be able to benefit from light coming from the front elevation. While the proposed development may result in a reduction in the amount of light available to the kitchen in number 6, it should be noted that this will not render the kitchen unusable or uninhabitable or to an extent that would warrant a refusal of this proposal. People who use the kitchen will still be able to do so comfortably, even with the proposed development in place. On balance, this would not warrant a refusal.

4 Hillary Rise

A distance of 13.8m will be maintained between the host property and this neighbour, therefore, it is considered modest and is found to have an acceptable impact on the amenity of No.4.

The proposal would be suitably distanced from no. 4 Hillary Rise, with minimal amenity impact occurring.

Overall, the proposal would not be acceptable in terms of amenity.

5.4 Response to Public Consultation

Will not let the applicant come on the property, Damage to the neighbouring property/patio. Falling equipment, Will go into the neighbour's air space, Flooding/gutters, Party wall agreement, Rear Garden will be unstable These are all party wall issues and were not reviewed as part of the planning permission.

Use specialist equipment to demolish This is a civil matter and a building control review. This is not part of the planning process.

Discrepancies on the plans The plans used have been reviewed and have been deemed to be correct.

The rooflight will look into the neighbour home the rooflight will be at a height that will not cause overlooking. Due to the location and the siting, it is found not to have an issue in terms of overlooking.

The white render will be jarring in the street, Out of character, Render The render has been amended to brown. The property is not in a conservation area, nor a listed building.

What is a plant room?, Will use drills and sawing if the use of the property will change/industrial noise, Will it be a dry cleaner? The use of the house has not changed under this application. Any noise issues need to be referred to Environmental Health.

Neighbour hedges on the plans. It is sometime better for neighbouring element to appear on the plans. The hedges can not be removed if on the neighbouring plot without the permission of the owners.

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.



1

LOCATION PLAN

1 : 1250