

Location 2 Deans Way Edgware HA8 9NL

Reference: 23/1951/HSE Received: 4th May 2023
Accepted: 5th May 2023

Ward: Edgware Expiry 30th June 2023

Case Officer: Radhika Bedi

Applicant: Mr & Mrs A & L Cohen

Proposal: Part single, part two storey side and rear extension

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 proposed development, by virtue of its size, design, massing and prominent siting, would appear as a visually obtrusive, unduly dominant addition and cumulatively disproportionate when taken together with the existing roof extensions, resulting in and incongruous intervention that would fail to appropriately respect the scale, mass and pattern of the surrounding buildings, spaces and streets, to the detriment to the character and appearance of the host property, street scene and surrounding area and contrary to Policy D3 of the London Plan (2021), Policies CS1 and CS5 of the Local Plan: Core Strategy DPD (2012), Policy DM01 of the Local Plan: Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2016)

Informative(s):

- 1 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.

2 The plans accompanying this application are:

Drg No DW2.LP - Site Location Plan
Drg No DW2.EX.01-Rev A - Existing Ground Floor Plan
Drg No DW2.EX.02 - Existing First, Second Floor and Roof Plans
Drg No DW2.EX.03 - Existing Elevations and Section
Drg No DW2.PR01 - Proposed Ground Floor Plan
Drg No DW2.PR02 - Proposed First and Second Floor Plans
Drg No DW2.PR03 - Proposed Roof Plan and Section
Drg No DW2.PR04 - Proposed Elevations

OFFICER'S ASSESSMENT

This application has been called to Committee by Cllr Gordon for the following reason:

"I believe this is not out of character with the immediate area."

1. Site Description

The application site is a semi-detached single family dwellinghouse located on Deans Way. The host property is not a listed building and is not located within a conservation area. The property benefits from both front and rear amenity space, as well as a significant amount of amenity space to the side elevation being on a corner plot, directly adjacent to Deans Lane. There are no Tree Preservation Orders on site.

2. Relevant Site History

Reference: 19/3989/FUL

Address: 2 Deans Way, Edgware, HA8 9NL

Decision: Refused

Decision Date: 13 September 2019

Description: Demolition of building at 2/4 Deans Way and erection of 8no self-contained flats alterations to vehicular and pedestrian access, forecourt and basement parking for 8no cars and basement bicycle storage, refuse and recycling

Reference: 20/4518/HSE

Address: 2 Deans Way, Edgware, HA8 9NL

Decision: Approved subject to conditions

Decision Date: 19 November 2020

Description: Single storey rear extension. Single storey side infill extension

Reference: 20/4640/FUL

Address: 2 Deans Way, Edgware, HA8 9NL

Decision: Refused

Decision Date: 8 March 2023

Description: Demolition of building at 2/4 Deans Way and erection of 8no self-contained flats with revised vehicular and pedestrian access, forecourt and basement parking for 8no cars and basement bicycle storage, refuse and recycling

Reference: 23/0421/HSE

Address: 2 Deans Way, Edgware, HA8 9NL

Decision: Refused

Decision Date: 13 April 2023

Description: Part single, part two storey side and rear extension

Reference: H/03519/08

Address: 2 Deans Way, Edgware, HA8 9NL

Decision: Refused

Decision Date: 20 November 2008

Description: Two storey side and rear extension and single storey rear extension. Creation of three additional residential units (Total seven units).

Reference: W13334L/06

Address: 2 Deans Way, Edgware, HA8 9NL

Decision: Refused

Decision Date: 8 May 2007

Description: Part single, part two-storey side extension to No. 2 Deans Way. Part single, part two-storey rear extension to both properties. Conversion of property into No. 8 self-contained flats, consisting of 4 units in each house.

Reference: W13334G/05

Address: 2 Deans Way, Edgware, HA8 9NL

Decision: Refused

Decision Date: 21 December 2005

Description: Single storey side extension.

Reference: W13334K/06

Address: 2 Deans Way, Edgware, HA8 9NL

Decision: Refused

Decision Date: 5 July 2006

Description: Part single, part two-storey, front and side extension.

Reference: W13334J/06

Address: 2 Deans Way, Edgware, HA8 9NL

Decision: Approved subject to conditions

Decision Date: 19 May 2006

Description: Conversion of existing property into 2 self-contained flats.

Reference: W13334N/08

Address: 2 Deans Way, Edgware, HA8 9NL

Decision: Refused

Decision Date: 19 March 2008

Description: Demolition of existing properties and erection of a two storey building (plus basement car-parking and rooms in roofspace) comprising of 9 self-contained flats. (OUTLINE APPLICATION)

Reference: W13334F/05

Address: 2 Deans Way, Edgware, HA8 9NL

Decision: Refused

Decision Date: 23 December 2005

Description: Conversion of houses into 3 self-contained units.

Reference: W13334D/04

Address: 2 Deans Way, Edgware, HA8 9NL

Decision: Withdrawn

Decision Date: 15 December 2004

Description: Single storey rear extension.

Reference: W13334B/04

Address: 2 Deans Way, Edgware, HA8 9NL

Decision: Refused

Decision Date: 24 March 2004

Description: Two-storey rear extension.

Reference: W13334A/03

Address: 2 Deans Way, Edgware, HA8 9NL

Decision: Lawful

Decision Date: 12 January 2004

Description: Alterations to roof including a hipped to gable end including the creation of a rear dormer window to facilitate a loft conversion.

Reference: H/00818/09

Address: 2 Deans Way, Edgware, HA8 9NL

Decision: Refused

Decision Date: 1 May 2009

Description: Part single, part two storey side and rear extension. Creation of three additional residential units (to provide a total of seven units).

Reference: W13334/03

Address: 2 Deans Way, Edgware, HA8 9NL

Decision: Refused

Decision Date: 27 August 2003

Description: Part single, part two-storey front, side and rear extensions. Loft conversion including rear dormer window to facilitate a loft conversion. Widening of existing vehicle access on to Deans Way.

Reference: W13334C/04

Address: 2 Deans Way, Edgware, HA8 9NL

Decision: Refused

Decision Date: 1 September 2004

Description: Two-storey side and rear extension.

Reference: W13334E/04

Address: 2 Deans Way, Edgware, HA8 9NL

Decision: Refused

Decision Date: 12 January 2005

Description: Single storey rear extensions to both properties.

3. Proposal

This application proposes a part single, part two storey side and rear extension.

The single storey rear extension measures as a depth of 3.5 metres, a width of 9.7 metres along with an eave height of 2.4 metres and a maximum height of 3.2 metres.

The single storey side extension measures as 3.8 metres in depth from the original side wall, 14 metres in length, with an eave height of 2.4 metres and a maximum height of 3.2 metres.

The first-floor side extension measures as 2.8 metres in depth from the original side wall, 9.8 metres in length, with an eave height of 5.4 metres and a maximum height of 6.8 metres. This element of the proposal is set in from the side boundary and front elevation by 1m. This aspect of the proposed development features side windows. The proposed side element of the proposed development is set in by 2m from the neighbouring boundary.

The first-floor rear extension measures as 2.2 metres in depth, 4.5 metres in width, with an eave height of 5.4 metres and a maximum height of 6.8 metres. The width presented for this element is less than half the width of the existing house.

Both first-floor elements of the proposal are significantly set down from the ridge of the main roof of the host dwelling. The two-storey side and rear extensions are wraparound extensions which assimilate with one another internally.

4. Public Consultation

Consultation letters were sent to 7 No neighbouring properties, 1 objection was received, the main points for consideration are:

-overlooking, privacy, extensive development.

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 Government's 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 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.

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

Officers consider that the main planning considerations are as follows:

- 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 upon 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 (of the London Plan 2021).

The Councils Residential Design Guidance SPD 2016 advises that extensions should be subordinate additions constructed with materials which are in keeping with the rest of the house and that care should be taken in the design and location of extensions to minimize impacts - having regard to the character of the area and the residential amenity enjoyed by neighbours.

This application is the same as previously refused application 23/0421/HSE and as such, the planning appraisal and decision reflects that of the previous decision, as stated below:

Policy DM01 requires that all proposals should preserve and enhance the local character of the area. The single storey element proposes a maximum depth of 3.5m to the rear. The Residential Design Guidance stipulates that a depth of 3.5 metres is considered acceptable for a single storey rear extension on a semi-detached dwellinghouse, thus, it is

noted that this part of the proposal is in compliance with this guidance. In addition, many neighbouring properties benefit from single storey rear extensions of a similar scale. As such, the single storey rear element of the proposal is considered to reflect the local character. Although visible from Deans Lane, this element of the proposal would be acceptable, being of a reasonable height at 3.2m.

Paragraph 14.15 of the adopted Residential Design Guidance SPD states that side extensions should not be more than half the width of the original house. The ground floor side element is not wider than half the width of the dwelling and will not extend beyond the front bay window. This element of the proposed development is set in from the neighbouring boundary by 2m and would be acceptable in and of itself. The side extension will project to the rear to wrap around the ground floor footprint however, this is considered to remain a subordinate addition with regard to the proportions of the host property, the curtilage and the broader context.

With regards to the first-floor side extension, policy DM01 of the adopted Development Management Policies (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".

In addition, paragraph 14.13 states that if there is a consistent and coherent architectural character, the extension should not detract from it. The extension should sit comfortably with the main building and with neighbouring houses by, taking account of the group value, character and established form of development along the street.

At first floor level, the extension to the rear is 2.2 metres in depth, as well as being less than half the width of the house. The proposed first-floor rear extension is also suitably set down from the ridge of the main roof. This element is set to wrap around with the first-floor side extension, which is set in from the boundary by more than 2m and is similarly less than half the width of the house. The first-floor side extension is set in from the front elevation by 1m, therefore meeting the SPD requirements.

However, the property is located on a corner plot, and as such any development on the site would be highly prominent in the street scene of Deans Lane.

Whilst the existing hip to gable roof extension is highly visible and of a large and bulky design and scale, this was erected in pursuit of permitted development rights and therefore benefits from a lawful development certificate, application reference W13334A/03. Nonetheless, despite its more commensurate roof design, it is considered that adding more bulk and massing to the flank wall closest to Deans Lane would exacerbate this, adding to the already dominant appearance of the existing site.

Even notwithstanding the existing roof extensions however, being two-storey and of a significant scale would fail to take into account the angle and position of the house, which in this case increases the visual effect of the extension in the street scene (Para 14.13 of the SPD) - a matter raised previously by the Inspector.

In so doing, the host site would appear visually obtrusive and unduly dominant in the street scene of Deans Lane and would fail to respect the return building line along this part of Deans Lane (Para 14.19 of the SPD) - albeit the existing ground floor side extension at No. 1 Deans Way is acknowledged.

In addition to this, the proposed development is considered to unbalance the pair of attached properties, adding bulk and massing to one flank where the rear elevation as a whole contributes to the surrounding area in an atypical manner.

It is acknowledged that there are other examples of similar extensions on sites in relative proximity to the application site that are a material consideration. However, it is considered that the context for this site, most notably its particular relationship to Deans Lane (notwithstanding the reduction in the scale of the proposal from the previous appeal scheme) remains such that it would fail to appropriately respect the scale, mass and pattern of the surrounding buildings, spaces and streets - as required under Policy DM01(b).

The proposed extension of the site over two storeys has been refused on a number of occasions for varying proposals - most notably (with regard to this proposal) under H/00818/09 and W13334L/06. W13334L/06 was subsequently contested at appeal and dismissed. Within that appeal (APP/N5090/A/07/2050924), the Inspector noted the clear visibility from Deans Lane as a significant factor and that the two-storey aspect of the proposal would result in harm due to additional bulk and prominence due to the wrapping around of both sides of the building. The inspector also states that the proposed development would result in unbalancing of the pair of attached properties, as well as the development being incongruous and visually unattractive - and went on to state that this would not accord with the surrounding character of the area and is harmful to the existing street scene.

Although the width of the first floor rear extension has been reduced in this application, the context for the site and its surroundings themselves have not changed and as such, the appeal inspector's previous decision and reasoning are considered to carry significant weight in this case.

Within that context, the proposal is therefore considered to be unduly detrimental to the character and appearance of the host site and street scene, contrary to the expectations of Policy DM01. The application is therefore recommended for refusal on this ground.

Potential impacts upon the amenities of neighbouring residents

It will be important that any scheme addresses the relevant development plan policies (DM01 of the Barnet Local Plan and 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. Any application should include plans demonstrating how this has been achieved. Specific areas which will need to be addressed in this regard include the proposals impacts on daylight and sunlight, outlook and privacy.

With regards to the proposal, the ground floor element is not considered to result in an undue loss of residential amenities due to the maximum depth of the extension being 3.5m at the shared boundary with No. 4 Deans Way. The first-floor rear element is set in from the shared boundary by over 2m, with the two-storey side extension being sited to at the opposing boundary. No raised terrace or window in the flank elevation facing No 4 is proposed. As such, there would be no significant loss of privacy, outlook or sunlight.

Side windows are proposed to the flank wall facing Deans Lane, no side windows are proposed facing No. 4 Deans Way and the extension would be at some distance from other neighbouring properties. As such, no undue impact on the amenities of other adjoining occupiers is anticipated.

Therefore, it is considered that the extension would have an acceptable impact on the residential amenity of neighbouring occupiers.

5.4 Response to Public Consultation

Key planning considerations have been addressed within the report. Additional units are not proposed, as such, the occupancy of the property would not change.

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 proposed development would have a materially harmful impact on the character and appearance of the application site and wider locality. The proposal is considered to have an acceptable impact on the residential amenities of neighbouring occupiers, however considerable harm has been identified to the character of Deans Lane. The application is therefore recommended for REFUSAL.

