

- 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 on the eastern and western elevation(s), of the extension(s) hereby approved, facing Durham Road and no. 75 Leicester Road.

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

1. Site Description

The application site contains a ground floor flat within a two-storey end of terrace property, situated at Ground Floor Flat, 77 Leicester Road, London, N2 9DY, within the East Finchley ward.

The surrounding area is predominantly residential consisting of terraced and semi-detached properties of a similar architectural style, which appear to have been built at the same time in a similar manner with key characteristics including two-storey front bay windows and gables features; properties also benefit from two-storey outriggers to the rear. The rear amenity space at no. 77 is sub-divided between the ground floor and first floor flat (although the occupiers of the first floor flat have leased their rear amenity space to no. 14 Durham Road). Extending along the eastern boundary of the host site is a gated alleyway, which provides access to the rear amenity spaces of properties along Durham Road. The host site does not benefit from off-street parking.

The site is located on Flood zone 1 (low probability of flooding from rivers), although it is an area defined as a medium risk for surface water flooding.

The site is not located within a conservation area and is not listed, nor are there any TPOs located on-site, or within the surrounding vicinity.

2. Relevant Site History

Planning History

Reference: F/00721/12

Address: Ground Floor Flat, 77 Leicester Road, London, N2 9DY
Decision: Refused
Decision Date: 25 June 2012
Description: Single storey rear and side extension.
Appeal Decision: Allowed
Appeal Decision Date: 18 March 2013

Reference: F/02055/11
Address: Ground Floor Flat, 77 Leicester Road, London, N2 9DY
Decision: Refused
Decision Date: 13 July 2011
Description: Single storey rear and side extension.
Appeal Decision: Appeal Dismissed
Appeal Decision Date: 20 December 2011

3.Proposal

This proposal seeks that the following works benefit from planning permission:

Single storey side and rear extension to existing rear outrigger.

The single storey side and rear extension would have a proposed depth of 3.00 metres from the rear building line, with a proposed width of 1.30 metres from the flank wall of the existing outrigger, following the removal of the existing side bay window. The proposal would have a pitched roof design with an eaves height of 2.58 metres, and a maximum height of 3.30 metres.

During the lifetime of the application, the plans have been amended to correct inaccuracies. These amendments include correctly showing the sub-division of the amenity space on the site location plan, the removal of a first-floor window from the existing plans, the correction of measurements, and the insertion of scale bars.

4. Public Consultation

Consultation letters were sent to 16 neighbouring properties. 6no objection comments were received from 6no consultees.

The objection comments can be summarised as follows:

- Loss of light to neighbouring property
- Increase in surface water flooding
- Amenity impact on host site - loss of light, sense of enclosure, compromise rear amenity space standards
- Out of character with surrounding area
- Overlooking/ loss of privacy to properties along Durham Road
- Overbearing/ bulky
- Building work impact upon communal pathway
- Inaccuracies in the plans
- No details of materials

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The revised National Planning Policy Framework (NPPF) was published on 20th July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design. Policy DM04 states that development should demonstrate compliance with the London Plan water hierarchy for run off especially in areas identified as prone to flooding from surface water run off.

Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan.

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

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.
- Amenity space for future occupiers
- Surface water flooding

5.3 Assessment of proposals

Background Information

Initial permission ref. F/02055/11 was refused at appeal ref. APP/N5090/A/11/2160176/NWF in September 2011 for a single storey side and rear extension. Subsequently in March 2013, previous permission ref. F/00721/12 was granted at appeal ref. APP/N5090/A/12/2181909, allowing a single storey rear and side extension of the same scale and design as this current proposal. Whilst this previous permission has lapsed, the circumstances surrounding the site have not altered in the intervening period, thus the inspector's decision can be considered when assessing this application.

Following a review of aerial imagery and a site visit, officers are satisfied that the proposal represents an accurate representation of the site boundary, the development would be within the curtilage of the dwelling, therefore for the purposes of assessing this application, the information is deemed to be accurate.

- 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).

According to the Residential Design Guidance, proposed extensions should be consistent with the form, scale and architectural style of the original building. Further, extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant.

The proposed single storey side and rear extension would extend 3.00 metres in depth from the rear building line and 1.30 metres in width from the flank wall of the existing outrigger, set in 1.38 metres from the alleyway along the eastern boundary. This is compliant with the SPD 2016, which states that the depth of a single storey rear extension normally considered acceptable for terraced properties is 3 metres. Furthermore, the Residential Design Guidance (14.15) stipulates that side extensions should not be more than half the width of the original house, the proposed side extension would not exceed the 2.97 metre limit in relation to the original dwellinghouse, and as such would be acceptable.

The plans also confirm that the proposed extension would utilise brickwork and roof tiles to match those of the existing dwelling. Similarly, the sloping pitched roof design would reflect the roof form of the original outrigger feature, with the scale and proportions of the extension considered a subservient addition in relation to the existing dwelling and attached neighbouring properties.

Upon review of aerial imagery and historic planning records, it is noted that numerous properties along Leicester Road benefit from side and rear extensions, including no. 72, 74, 80 and 82 located directly opposite on the northern side of Leicester Road, permission has also recently been approved for a side and rear extension to the existing rear outrigger at no. 69 Leicester Road (ref. 23/1903/HSE). As such, the proposal would be in keeping with development in the surrounding area.

Officers therefore consider that the proposal would not be detrimental to the established character and appearance of the existing dwelling and the general locality would not be affected, as such, this proposal is recommended for approval on the grounds of character.

- 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 policy 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.

No. 75 Leicester Road is the adjacent neighbouring property located directly to the west of the host site. The proposed extension would extend 3.00 metres in depth beyond the rear building line, to the east, of this neighbouring property. It is worth noting that the previous appeal decision for application ref. F/00721/12 acknowledged that whilst the side wall of the proposed extension would be visible when viewed from the ground floor rear facing (habitable window), there would be a good separation between the two features. In addition to this, it noted that the height and length of the proposed extension would be modest, complying with recommended depth of 3.00 metres for terraced properties (14.21). Given the southerly rear aspect enjoyed by the occupiers of no.75, the inspector did not consider that the extension would appear overbearing nor result in an undue loss of light to the residents of no.75. As the proposal is of the exact same scale and design as the previous

appeal decision, the inspector's comments are deemed sufficient in concluding that the proposal would result in no detrimental amenity impact to the adjacent neighbouring occupiers at no. 75.

The host site's eastern boundary extends along the communal pathway which provides access to the rear amenity spaces of properties along Durham Road. Concern has arisen regarding the impact of the proposed extension on the outlook from, as well as a loss of privacy and light to the living spaces and gardens of dwellinghouses along Durham Road. As previously mentioned, the rear amenity spaces of Durham Road are separated from the application site by a side pathway, the side extension would be set in a minimum of 1.38 metres from this eastern boundary. Following a site visit, it is noted that existing shrubbery exists along this boundary, both within the curtilage of the host site and along the rear boundaries of Durham Road. The proposal would not involve the insertion of any first-floor windows that would overlook the amenity spaces of Durham Road. As with the current proposal, previous appeal decision (ref. F/00721/12) stated that the extension is single storey with a hipped roof pitching away from the Durham Road gardens. It concluded that in such circumstances the proposed extension would not unacceptably intrude into the outlook from these gardens, nor would it limit the amount of light within these amenity spaces. The windows to the side at ground floor level would face onto the boundary and would not increase levels of overlooking towards gardens on Durham Road. Furthermore, with the proposed distance from the common boundary, it is not considered that the proposal would unacceptably harm the visual amenity of these neighbours. Officers therefore do not consider that the proposed extension would result in any harmful amenity impact to the neighbouring occupiers along Durham Road.

Therefore, in terms of appearing overbearing or causing significant levels of loss of light or outlook, the proposed extension would not have a significant impact. Thus, officers consider the proposal to be acceptable in regard to amenity.

Amenity Space for existing and future occupiers of the unit

Following the proposed single storey rear extension, approximately 40.97m² of amenity space would be retained, albeit these calculations include the narrower side space. The proposal would therefore not compromise the 20m² of outdoor amenity space required for the 4no habitable rooms (including the kitchen/living area) at the host site.

In the previous appeal decision ref. F/00721/12, the inspector acknowledged that generous rear gardens are not a characterising feature of the locality. In paragraph 12 of the appeal decision, the Inspector states:

"The existing flat currently accommodates one bedroom. The proposed extension would allow for the increase in the number of bedrooms to two. This would make the flat more attractive as accommodation for a small family. The remaining garden space available once the extension had been built would be in the order of 40 square metres, a figure previously used by the Council as a minimum standard for the provision of garden space for flats. In this case the amount of garden space available to the residents of No.77A would be limited, although there would be sufficient space to provide an area for sitting out and some play space. However, generous rear gardens are not a characterising feature of the locality. In addition, this is a dense urban area which, as I saw at my site visit, does include green spaces. Taking all of these factors into account I am satisfied that there would be sufficient space available for the enjoyment of the resident of No.77A in accordance with the relevant development plan policies and SPD."

Taking these factors into account, the inspector was satisfied that there would be sufficient space available for the enjoyment of residents of No77A in accordance with the relevant development plan policies and SPD at the time. As noted, the provision of garden space would continue to comply with the current standards and as such, it is considered that provision of amenity space would be acceptable.

Surface Water Flooding

The application site is located within Flood zone 1 (low probability of flooding from rivers) although it is situated in an area defined as having a moderate risk of surface water flooding. The previous appeal decision ref. F/00721/12 did not raise any objection, with the inspector stating that "in these cases other than anecdotal evidence, no firm cases have been submitted to persuade me that the appeal proposal would unacceptably exacerbate existing circumstances causing harm to these identified matters". The circumstances have not changed from this previous decision with the proposed extension incorporating a small addition; thus, the proposal would not be considered to result in a significant increase in surface water flooding to justify refusal on these grounds.

5.4 Response to Public Consultation

The inaccuracies in the plans have been amended throughout the lifetime of this application as mentioned in the proposal section. Regarding the building works impact on the shared pathway, this is a civil matter. The material planning considerations have been addressed in the above section 5.3.

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 SUBJECT TO CONDITIONS.

Site Location Plan

77a, Leicester Road, East Finchley, London, Barnet, N2 9DY



Site Plan (also called a Block Plan) shows area bounded by: 527465.04, 189629.65 527555.04, 189719.65 (at a scale of 1:500). OSGridRef: TQ27518967. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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