

Location **Ground Floor Flat 67 Church Lane London N2 8DR**

Reference: **23/1805/FUL** Received: 25th April 2023
Accepted: 27th April 2023

Ward: East Finchley Expiry 22nd June 2023

Case Officer: **Rish Mehan**

Applicant: Mr Osman Ismail

Proposal: Single storey rear extension

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:

Site Location Plan

67CL-001: Front elevation

67CL-002: Existing rear elevation

67CL-003: Proposed rear elevation

67CL-004: Existing west elevation

67CL-005: Proposed west elevation

67CL-006: Existing ground floor plan

67CL-007: Proposed ground floor plan

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 The roof of the extension 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).

- 5 Before the development hereby permitted is first occupied, the amenity area(s) shall be sub-divided in accordance with the details shown on approved drawing 67CL-007: Proposed ground floor plan and shall be permanently retained and maintained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

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. 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 is located at Ground Floor Flat, 67 Church Lane, London, N2 8DR. Consisting of an end of terrace property where the original commercial premises at ground floor level has been converted to provide a flat and the upper floors together provide a further unit. This application deals with the ground floor flat.

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) and is not within an area covered by an Article 4 direction

2. Site History

Reference: 16/0400/PNR

Address: Ground Floor, 67 Church Lane London N2 8DR

Decision: Prior Approval Required and Approved

Decision Date: 03 March 2016

Description: Change of use from Financial/Professional Services (Class A2) to Residential (Class C3) to provide 1no. unit

Reference: 17/2327/FUL

Address: Ground Floor Flat, 67 Church Lane, London, N2 8DR

Decision: Withdrawn

Decision Date: 12 June 2017

Description: Installation of new shop front

Reference: 17/3723/FUL

Address: Ground Floor Flat, 67 Church Lane, London, N2 8DR

Decision: Refused

Decision Date: 13 October 2017

Description: Conversion of ground floor shop to 1no residential unit following installation of new front facade

Reference: 18/2950/RCU

Address: Ground Floor Flat, 67 Church Lane, London, N2 8DR

Decision: Approved subject to conditions

Decision Date: 26 July 2018

Description: Creation of new door opening and alterations to window positions (Retrospective Application)

3. Proposal

Single storey rear extension.

The proposed extension will measure 3.50m in depth along the boundary with No 65, 4.00m in width and 3.40m in height. The rear extension will have a flat roof. An area of the garden will be excavated to allow access steps to be built leading into the garden.

4. Public Consultation

Consultation letters were sent to 33 neighbouring properties. 24 replies have been received, of which 24 of these replies were objections to the proposal.

The comments are summarised below:

- o Not in keeping within the character of the area
- o Lack of garden amenity space available for ground and first floor flats
- o garden area is currently subject to a 6 year legal dispute & a previous injunction

- which prevented the landlord from building or carrying out works to said space
- o impact to access for first floor flat
 - o unlawfully remove access, & reduce use of, the garden space
 - o garden is part of a protected tenancy and so cannot be built on
 - o £2m for the cost of an extension seems very high
 - o Unfair on the long-term existing tenants to take away their garden
 - o No good reason to build on green space other than greed
 - o Disruption to the neighbourhood caused by builders vans
 - o Dust
 - o Reduced parking availability for residents and shoppers due to builders vans

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 in 2023. 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.

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

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

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).

The applicant seeks permission for a single storey rear extension measuring 3.50m in depth along the boundary with No 65 Church Lane. Paragraph 14.21 of the Residential Design Guidance SPD which states that a depth of 3.00 metres is usually considered acceptable on terraced properties. Although the proposed depth exceeds that of 3.00m, it is noted that the rear building line of the proposed extension at the host site, would be the same line as the existing rear extension at No 65, and therefore, as both rear building lines will be the same, the extension is considered to reflect the established proportions and rear building line and therefore be acceptable. The proposal would be in materials to match the host property, further safeguarding its integration.

More broadly, there are several examples of other rear extensions within the near vicinity and a variety of architectural detailing. As such, it is considered to be in keeping with the character of the property and street scene and surrounding area. The proposal is therefore in accordance with Policy DM01 of the Development Management Policies DPD.

Impact on neighbouring Amenity

It will be important that any scheme addresses the relevant development plan policies including DM01 (of the Barnet Local Plan) and the guidance contained in the Barnet Supplementary Planning Documents 'Sustainable Design and Construction' and 'Residential Design Guidance.' In respect of the protection of the amenities of neighbouring occupiers, this will include taking a full account of all neighbouring sites.

No. 65 Church Lane

No 65 Church Lane benefits from a single storey rear extension of a similar depth to the proposal. Therefore, the proposed extension at the host site would not give rise to any undue loss of light, outlook or privacy to the adjoining occupiers. In addition, it is noted that there is an existing fence and brick wall along the boundary which will further aid to mitigate any issues regarding amenity.

First Floor Flat at No 67 Church Lane:

Being at ground floor level, the extension would not result in any undue loss of light, privacy, outlook or increased sense of enclosure.

It should be noted that the amenity space remaining due to the development for both flats would continue to meet the policy expectation set out in the Sustainable Design and Construction SPD pursuant to Policy DM02. In addition there will be a close boarded fence around the private garden area for the ground floor flat, which would improve the privacy of the remaining garden area for the occupiers of the upper floor flat and would not lead to an undue sense of enclosure.

5.4 Response to Public Consultation

Not in keeping within the character of the area - Addressed in the report

Lack of garden amenity space available for ground and first floor flats - The amenity space remaining for both flats is in accordance with the guidance

Garden area is currently subject to a 6 year legal dispute & a previous injunction which prevented the landlord from building or carrying out works to said space - Not a planning matter

Impact to access for first floor flat - Access is not considered to be unduly impacted as there is a gate in which the occupants of the first floor flat can enter.

Unlawfully remove access & reduce use of the garden space - Discussed above.

Garden is part of a protected tenancy and so cannot be built on - Not a planning issue.

£2m for the cost of an extension seems very high - smallest estimate option is up to £2m, project can cost anywhere from £0 up to £2m

Unfair on the long-term existing tenants to take away their garden - Not a planning issue given that a policy compliant residual amenity space would continue to be provided

No good reason to build on green space other than greed - Not a planning issue.

Disruption to the neighbourhood caused by builder's vans - Management of the construction phase is not a matter relevant to the decision.

Dust - Management of the construction phase is not a matter relevant to the decision.

Reduced parking availability for residents and shoppers due to builders' vans - Management of the construction phase is not a matter relevant to the decision.

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 wider locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.

