

**Location** **2 Courthouse Gardens London N3 1PX**

**Reference:** **23/2458/HSE** Received: 6th June 2023  
Accepted: 11th July 2023

Ward: West Finchley Expiry 5th September 2023

**Case Officer:** **Keshni Patel-Rayani**

Applicant: Mr P Nikhar

Proposal: Retention of single storey front side and rear extension following the demolition of garage (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:

Site Location and Block Plans 23.100.PL.001 Rev 01 Dated 07.06.2023  
Pre-existing Floor Plans and Elevations 23.100.PL.002 Rev 02 dated 04.07.2023  
Existing Layout Drawing Number 23.100.PL016 Rev 01 Dated 10.10.2023  
Proposed Layout Drawing Number 23.100.PL.017 Rev 02 Dated 23.10.2023

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 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).

- 3 Before the building hereby permitted is first occupied the staircase window(s) in the first floor side elevation facing south shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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) and the Residential Design Guidance SPD (adopted October 2016).

### **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 consists of a semi-detached property to the east of Courthouse Gardens. The proposal property is not listed and does not fall within a conservation area.

The site is not located within any Conservation Area, nor does it contain or lie in close proximity of any Listed Building.

## **2. Site History**

Reference: 23/3998/HSE

Address: 2 Courthouse Gardens London N3 1PX

Decision: Pending Decision

Decision Date: N/A

Description: Erection of a rear outbuilding

## **3. Proposal**

This application seeks permission for the retention of a front/side/rear wraparound extension following the demolition of the existing garage.

The proposed front extension would measure a depth of 0.9m, supported by hipped roof with an eave's height of 2.6m. The front extension would adjoin the side extension and have a width of 6.1m.

The side extension would measure a width of 2.7m, incorporate a hipped roof with an eave's height of 2.6m and adjoin the rear and front extension with a depth of 13.1m.

The rear extension would have a depth of 3m, supported by a hipped roof with an eaves height of 2.6m and would adjoin the side extension.

It should be noted during the life of the application, the proposed development was reduced in scale by removing the first-floor side extension and reducing the front porch and removing the columns. Due to these changes along with most works being carried out before permission was granted, the development description was amended to represent the works accordingly. The application was then re-consulted with the amended plans and description.

## **4. Public Consultation**

Consultation letters were sent to 6 neighbouring properties.

12 objections received including from the Finchley Society and West Finchley Residents Association. Comments are summarised below:

- o Concerns relating to the proposal not being appropriate in the context of the neighbourhood, including its density, scale, massing and architecture.
- o Concerns about subdivision and preventing the unnecessary demolition of houses to construct.
- o Concerns about sustainable materials, construction methods and support low-carbon development.
- o Concerns about prevent the possibility of damaging environmental impacts, especially to biodiversity and flood risk.
- o Concerns about disruption to residents during construction.
- o Concerns about removed the trees at the back of the garden which were helping to

support the bank that holds up Nether Street.

- o Concerns about double height side extension and roofing would block out a lot of light to my property and to others in the surrounding area.
- o Concerns about 'Supersizing' the property/overdevelopment
- o Concerns about starting the building works well before they had submitted a planning application and therefore are building without consent.
- o Concerns about working practices.
- o Concerns about inaccuracies with the application and it does not reflect the actual development underway.
- o Concerns about build has been dangerous.
- o Concerns about Amended Application was not alerted to the public well after it was registered with Barnet Planning Department.

Following receipt of amended plans, a re-consultation was carried out with 5 responses being received re-iterating previous concerns raised.

## **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 5th September 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 for the next 25-50 years. 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.

#### West Finchley Neighbourhood Plan (Adopted June 2021)

## **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 area:**

Any proposal for this site must respect the character and appearance of the existing dwelling and local area, relate appropriately to the sites context and comply with development plan policies in these respects. This includes suitably addressing the requirements of development plan policies such as policies DM01 and CS5 of the Barnet Local Plan and policies D1 and D4 of the London Plan.

Front/side extension:

The Residential Design Guidance 2016 states that front extensions which are large will not be permitted, their roofs should reflect the roof form of the existing dwelling, they should fit with the architectural style of the house and not conflict with existing architectural features, and that windows should be positioned where they do not have a harmful effect on neighbouring residential amenity. It also sets out that side extensions should have a width no greater than half the width of the existing dwelling and should be designed in a way where they appear as subordinate to the original dwelling.

The front extension would not project beyond the front bay window of the existing dwellinghouse with only a depth of 0.9m. The front extension supports a hipped roof which is similar in style to the existing roof. It is considered that the design of this section of the extension fits well with the architectural style of the existing dwelling and does not conflict with the dwelling's front bay window. Other properties in the immediate vicinity have made similar alterations, namely at No.'s 3 and 9. Properties in the immediate locality are constructed in a mix of render and brickwork. The extension has been built in brickwork as have similar front extensions in the locality and it is considered the extension does not have a detrimental impact on the character and appearance of the property or street scene.

The side extension would measure a width of 2.7m, incorporate a hipped roof with an eave's height of 2.6m and adjoin the rear and front extension with a full depth of 13.1m. The side extension does not measure more than half the width of the existing dwelling appearing subordinate in scale to the existing dwelling. In light of the above, the front/side section of the proposed extension is considered to be appropriately designed and scaled, appearing as subordinate in scale to the existing dwelling. Looking at the dwellings along Courthouse Gardens, Nether Street and Fursby Ave it can be seen that a number of dwellings feature extensions which are similar in nature to that which is proposed under this application.

In addition, the front/side section of the proposed extension has been found to be appropriately designed and scaled so that it appears subordinate to the existing dwelling. As such, it is not thought that this element of the proposed development would cause harm

to the character and appearance of the existing building, the street scene or the wider area.

Rear extension:

The Residential Design Guidance 2016 states that single storey rear extensions on semi-detached dwellings should not have a depth greater than 3.5m, cause a significant sense of enclosure, or loss of outlook from, or light to, principal windows of habitable rooms of neighbouring properties, and should appear as subordinate to the existing dwelling. The rear extension would have a depth of 3m, supported by a hipped roof with an eaves height of 2.6m and would adjoin the side extension. This element of the proposal would be contained to the rear and therefore cannot be seen from the street scene which limits its visual impact.

It is not considered that the extension's depth or height would cause a significant sense of enclosure, or loss of outlook from, or light to, principal windows of neighbouring properties' habitable rooms, as it is of single storey scale which has been found to be subordinate to that of the existing and neighbouring dwellings. Upon review of the other dwellings along Courthouse Gardens, it can be observed that a large number of these dwellings feature single storey rear extensions and therefore would not be considered out of character to the surrounding area.

The proposed development is deemed to be of an appropriate design and scale and appears subordinate to the existing dwelling. As a result, it is not thought that this element of the proposed development would cause harm to the character and appearance of the existing building, the street scene, or the wider area. It is considered that the development does not conflict with the policies contained in the West Finchley Neighbourhood Plan.

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

The Residential Design Guidance 2016 sets out that extensions should not be overbearing or obtrusive and should not result in harmful:

- o loss of privacy by overlooking adjoining properties
- o loss of light or overshadowing of adjoining properties
- o loss of outlook from adjoining properties
- o sense of enclosure or overbearing impact on adjoining properties
- o loss of garden, landscaping or open space, which contributes to local amenity
- o loss of parking space that is desirable to retain

#### **4 Courthouse Gardens**

The application dwelling is structurally connected to 4 Courthouse Gardens located north of the application site. The application site would not be affected by the front and side extension as this would be located on the alternate side of the application site. The rear extension projects no further than the extension to no. 4 so would not affect the amenities of the occupiers of that property.

#### **Ailsa, Courthouse Gardens**

This neighbouring property is located on the south elevation of the property. The application site originally had a single storey garage that was positioned between the properties. Given the single storey scale of the proposed extension and the presence of boundary treatments around the rear garden in the form of fencing, it is not thought that

overlooking from the rear extension will be a significant issue. It is not considered that the proposed development will lead to loss of light, overshadowing, or a loss of outlook from/a sense of enclosure or overbearing impact on adjoining properties, due to the extension's single storey scale which is subordinate to both the existing and neighbouring dwellings. The construction of the proposed development will not lead to a loss of garden, landscaping or open space which contributes to local amenity, or the loss of any parking space.

As a result, the proposed development is considered acceptable in terms of its impact on the living conditions of neighbouring residents.

## 5.4 Response to Public Consultation

- Planning matters have been addressed in the main body of the report.
- Construction issues are not a planning consideration.
- It is considered that the nature of the extensions would not unduly affect biodiversity.
- It is considered that the extension would not have flooding impacts given the location in flood zone 1
- The current proposal does not propose or mention in the application description to change the use of the current property, and therefore the application has not been assessed in terms of changing the use. It should be noted change of use of the dwellinghouse would require a separate planning application.
- The works to the rear garden and new outbuilding are subject of a separate application

## 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 thought that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the existing dwelling, the street scene and the locality. The development is not considered to have an adverse impact on the residential amenity of neighbouring occupiers. This application is therefore recommended for approval.



EXISTING LOCATION PLAN

1:1250



