

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 24th April 2012

Report of
Assistant Director, Planning &
Environmental Protection

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Ward:
Cockfosters

Application Number : P12-00786MMA

Category: Dwellings

LOCATION: 74 Waggon Road, Barnet, EN4 0PP

PROPOSAL: Minor material amendments to TP/11/0317 for the extension works and renewal of existing walls and show correct boundary position.

Applicant Name & Address:

Mr & Mrs Agasee
74 Waggon Road
Hadley Wood
EN4 0PP

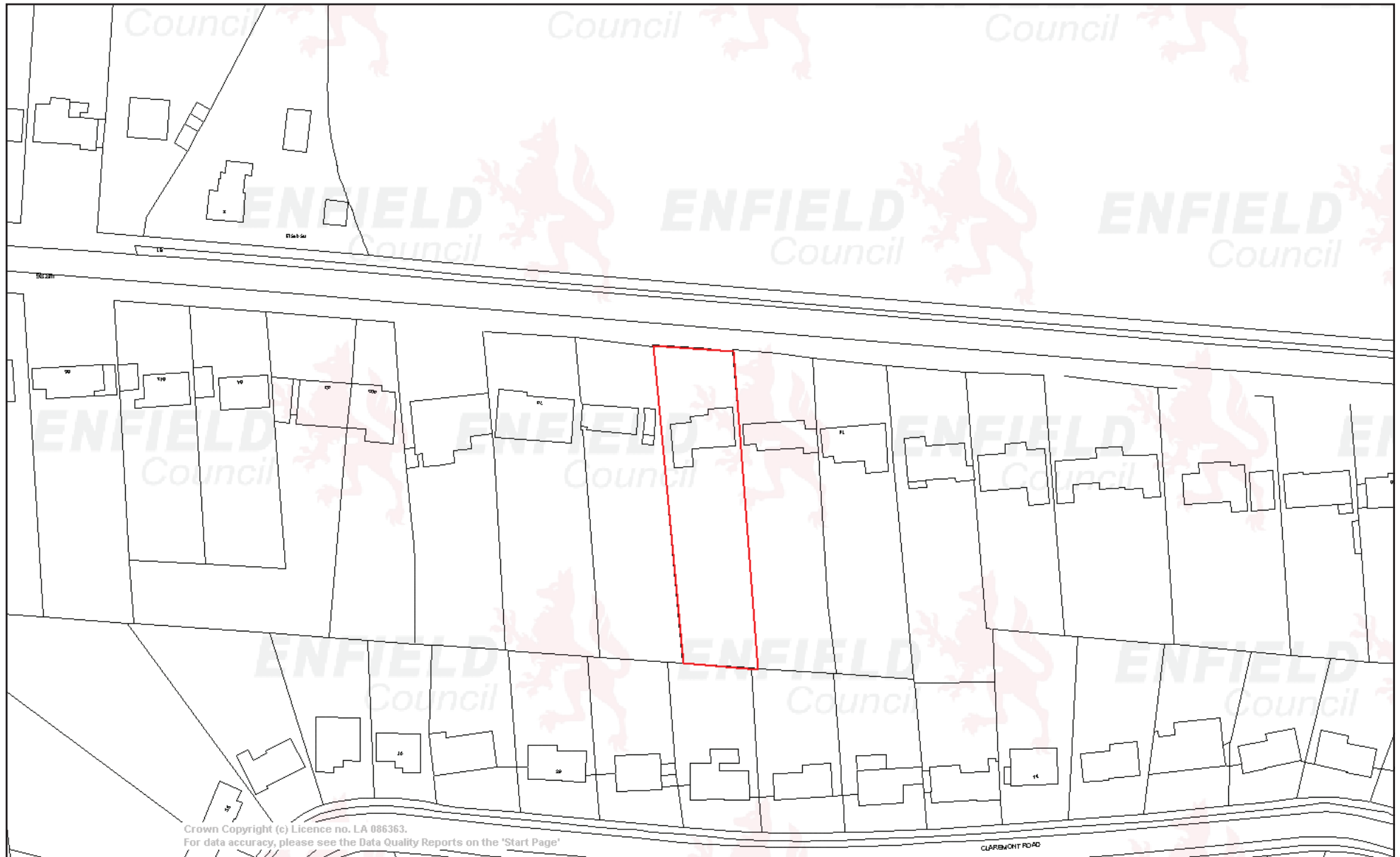
Agent Name & Address:

DLA Town Planning Ltd
5 The Gavel Centre
Porters Wood
St Albans
Herts AL3 6PQ

RECOMMENDATION:

That planning permission be GRANTED subject to conditions.

74 Waggon Rd, EN4



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Scale 1/1250

Date 17/4/2012

Centre = 526562 E 198604 N

1 Site and surroundings

- 1.1 The application site comprises of a large residential plot on the southern side of Waggon Road, approximately 280m west of the junction with Duchy Road.
- 1.2 To the east is No.72, a 2-storey detached dwelling that is sited behind the front building line of No.74. Aerial photographs from 1991 and 2001 confirm that this property was originally sited away from the boundary with No.74 but has benefitted from extensions that have resulted in the dwelling being extended nearer to the boundary at first floor level. A 2003 aerial photograph shows the extended dwelling, which would accord with the planning history of this property.
- 1.3 To the west is No.76, a 2-storey detached dwelling.
- 1.4 The surrounding area is characterised by large dwellings on the southern side of Waggon Road, with open farmland (Slopers Pond Farm) / Green Belt, on the northern side of the road.

2 Proposal

- 2.1 Planning permission is sought for a minor material amendment to TP/11/0317 for the extension works and renewal of existing walls and to show the correct boundary position.
- 2.2 The minor material amendments include the following:
 1. The repositioning of the flank wall nearer to the common boundary with No.72 Waggon Road.
 2. An increase in height of the external walls.
 3. A decrease in height of the ridge of the roof.

3. Relevant planning history

- 3.1 In October 2009, planning permission (ref: TP/09/1327) was granted for a part single, part 2 storey front extension, part single, part 2 storey rear extension with balcony involving demolition of conservatory, dormer windows to front and rear and increase of roof height. This application was not implemented.
- 3.2 In May 2011, planning permission (TP/11/0317) was granted for the erection of a part single part 2- storey front and side extension with front porch, first floor rear extension with front and rear balconies with balustrades, extension to the roof, 3 x front dormers and 3 x rear dormers. The differences between this scheme and the 2009 approval was outlined in the Officer Report.
- 3.3 In August 2011, an application was approved (TP/11/0317/NM1) for a non-material amendment to rebuild the flank boundary wall because of concerns over the structural integrity of the wall. It is noted that the distance to the boundary as annotated on the approved plan was 1.361m.

4 Consultations

- 4.1 Statutory and non-statutory consultees

Traffic & Transportation

4.1.1 It is advised that there are no objections.

4.2 Public

4.2.1 One letter of objection has been received from the occupier of No.72 Waggon Road, raising the following points:

- Planning permission granted in May 2011 (TP/11/0317) enabled the owners to demolish the existing dwelling save for a small single storey flank wall adjoining no's 74 & 76 and to build a considerable larger house.
- There would be no need for this new application if the owners of no.74 had complied with the present permission and not breached it from the outset.
- The owners of no.74 instructed their builder to erect a new flank wall along the same line as the original flank wall of the old house. By doing so they contravened their own permitted planning permission by taking an additional 2 feet 3 inches in width.
- This point was raised with the builder and he confirmed that he had warned his Clients of this. This indicates a deliberate intent to breach planning was not a mistake.
- Upon receiving notice of the originally approved scheme, a concern were raised with the case officer about a loss of light and amenities and was informed that as long as the original flank wall was not the new line of the boundary, it would comply with the Council's policy regarding light. On this basis, no objections were raised.
- 2 feet 3 inches does not sound much but every cm counts when the houses are close together.
- A further attempt at contravention was made when additional openings for flank windows were made but removed when the Enforcement Officer visited the site.
- Object to loss of sunlight and daylight.
- Overshadowing.
- Mass, bulk and proximity of the new house and in particular the new flank wall creates an overbearing and intrusive effect which impacts my property.
- Impaired view of the open farmland opposite from first floor window.
- Fail to see how a 9.3m wall being placed nearer can be described as minor.
- I have never taken an additional cm beyond what was granted planning.
- If the application is approved it will set a precedent for others.
- I would appreciate Members finding the time to visit the site to see the problems is actually causing me.

4.2.2 A letter was also received from the architect for the originally approved scheme. This letter confirms that the extensions did not project beyond the line of the existing flank walls but only extended the dwelling to the front and rear. He also confirms that the issue of site boundaries was not taken into account, as he was not instructed to undertake a topographical survey.

5 **Relevant Policy**

5.1 Local Development Framework

The following policies from the Core Strategy are of relevance:

CP30: Maintaining and improving the quality of the built and open environment

5.2 Saved UDP Policies

(II)GD3	Aesthetics and functional design
(II)GD6	Traffic
(II)GD8	Site access and servicing
(II)H8	Privacy
(II)H12	Residential extensions

5.3 The London Plan

Policy 6.13	Parking
Policy 7.1	Building London's neighbourhoods and communities
Policy 7.4	Local character
Policy 7.6	Architecture

5.4 Other Relevant Policy

National Planning Policy Framework (2012)

6. **Analysis**

6.1 Background Information

- 6.1.1 The principle of the proposed extensions to the dwelling was previously accepted under ref TP/11/0317 (will be referred to hereafter as the 'original planning application'). Moreover, it is this scheme that the Applicant has sought to implement.
- 6.1.2 One of the key issues surrounds the positioning of the flank wall of the dwelling under construction in relation to the common boundary with No.72 Waggon Road to the east. The original plans for the development were annotated to show a distance of 1.361m to that boundary. Due to structural reasons, a significant element of the original property was demolished leaving some of the original dwelling on the western side of the plot (adjacent to No.76) in situ. As a result, the development can still be considered as 'extensions' rather than as a 'new build'. However, during the rebuilding, the flank was positioned on the line of the original flank wall closer to the boundary than that annotated on the approved plans: the actual surveyed dimensions are 0.83m at the front of the dwelling and 0.67m at the rear.
- 6.1.3 In the light of this, where the front and rear extensions were not previously an issue due to their separation, the alteration to the position of the flank wall has changed the relationship to No 72 of these elements and they now require more consideration to determine their impact.
- 6.1.4 The current application is needed because of the repositioning during construction of the approved flank wall on to the line of the existing flank wall which is thus not in accordance with the approved plans. Nevertheless, this is regardless of the overall width of the dwelling which remains unchanged. The current application seeks to regularise the matter.

- 6.1.3 Members should note that the stated dimensions on the current plans, in terms of distancing to boundaries, the width and depth of the dwelling as constructed, the height to eaves level, the positioning of the nearest affected first floor window at No.72, and the differences in ground level between the two properties, have been jointly surveyed with the architect, and are considered accurate. For completeness, an attempt will be made to accurately survey the height of the dwelling to the ridge line and this dimension will be reported at the meeting.
- 6.1.4 In considering this application, Members must reach a view on the following:
1. Whether the material changes to the originally approved scheme are so harmful to the existing amenity of the adjoining occupier as to warrant a refusal of the application;
 2. Whether any harm that may exist can be sufficiently addressed through planning conditions; or
 3. If any harm exists at all.
- 6.1.5 The key issues are considered to be the following:
1. The construction of the flank wall nearer to the common boundary with No.72 than previously approved, with any potential impact on the neighbouring occupier in terms of loss of light and outlook; and
 2. The scale and massing of the resulting development.

6.2 Impact on Character / Amenity

- 6.2.1 Waggon Road comprises of dwellings of varied design and scale. The overall design of the dwelling under construction does not differ from the originally approved scheme and is therefore considered acceptable.

6.3 Impact on Adjoining Properties

Privacy / Overlooking

- 6.3.1 The amendments sought do not include any additional fenestration, therefore the proposal would not lead to any greater potential for loss of privacy and overlooking.

Loss of Outlook / Light

- 6.3.2 Due to the staggered nature of the front building line of the properties along Waggon Road, No.74 has always projected forward of No.72. At ground floor level, this resulted in a forward projection of 3.625m and at first floor level, a projection of 3m beyond the front building line.
- 6.3.3 The first floor element of the original dwelling therefore has always compromised a 30-degree line from the nearest affected window at No.72, with that element of the dwelling projecting 1.07m beyond where the 30-degree line was intersected. However, it should be noted that the window affected does not serve a habitable room. It serves an ensuite bathroom for a bedroom that has its principle outlook to the rear.
- 6.3.4 Under the originally approved scheme, the forward projection of the ground floor element remained unaltered. However, the first floor was extended further forward by 0.96m, resulting in the aforementioned 30-degree line being compromised by approximately 1.65m. The resulting impact on the

amenity of the occupiers was not considered to be unacceptable because for the reason stated above in paragraph 7.3.3 of this report, the nearest window does not serve a habitable room and the loss of light and outlook was not considered sufficient to warrant refusal of the application.

- 6.3.5 As constructed, the ground floor is 0.045m less in depth than the original dwelling, projecting 3.58m beyond the front building line of No.72 while the first floor does not extend beyond what was originally approved. Nevertheless, both elements would be nearer to No.72 and could potentially give rise in some additional impact which needs to be carefully considered especially as the repositioning of the flank wall now results in the 30-degree line being compromised by a depth of 1.99m, or a further 0.34m from that originally approved.
- 6.3.6 Taking the relationship between Nos 72 & 74 together with the effects associated with the siting of the original and originally approved scheme, it is considered that the degree to which the dwelling under construction additionally compromises the 30-degree line through the repositioning of the flank wall does not result in any further material harm to the occupiers of No.72 in terms of loss of outlook and light to the front of the property particular as the nearest affected window at No.72 window does not serve a habitable room. Furthermore, it is a window on an extension, and guidance contained within Appendix A1.8(c) confirms that the criteria for assessing the impact of first floor extensions will be from the original dwelling.

Scale / Massing

- 6.3.7 The scale of the dwelling has previously been approved. The issue is therefore, whether the repositioning of the flank wall has a materially more harmful effect.
- 6.3.8 The original dwelling measured 5.325m in height to eaves and the alteration to the position of the flank wall has not affected this. However, a measurement taken on site shows that this dimension is 5.475m or the equivalent of two (2) courses of brick. It is considered that although the height of the (flank) walls has increased, the effect of an additional 0.15m is not so materially harmful as to detrimentally impact upon the existing amenity of the occupiers of No.72.
- 6.3.9 The increase in height of the walls is also considered to not have a materially more harmful effect on the occupiers of No.76 because this dwelling sits at a slightly elevated ground level.
- 6.3.10 The height to ridge level of the original dwelling measured 9.444m and that of the originally approved scheme 9.6m. Current plans are annotated to show that the height to ridge level will be 9.40m, thus representing a decrease in the overall height of the building.

6.4 Parking and Access

- 6.4.1 This element remains acceptable as there is no change to the existing provision of off-street parking.

7. Conclusion

7.1 Whilst it is acknowledged that the walls of the dwelling are higher than previously approved and the distancing to boundaries has as altered to reflect the alignment of the original property, the proposed minor material amendments, having regard to all of the relevant planning considerations, is considered to, on balance, not unduly harm the existing amenities of the neighbouring occupiers. Approval is recommended for the following reasons:

1. The proposed minor amendments to the scheme approved under planning reference TP/11/0317, are considered to not result in any additional harm to the existing amenities of the occupiers of the adjoining properties, in particular No.72 Waggon Road, in terms of loss of light, outlook, being overbearing or undue overshadowing, above that which would have occurred with the original dwelling and the subsequent planning permission to extend the dwelling. In this regard, it is considered that the proposed amendments would comply with Policies (II)GD3, (II)H8, (II)H12 of the Unitary Development plan, Core Policy of the Core Strategy, and Policies 7.4 and 7.6 of the London Plan.

8 Recommendation

8.1 That planning permission be GRANTED subject to the following conditions:

1. C60 Plan numbers
2. C08 materials to match
3. C24 Obscure glazing (f/f east elevation)
4. C25 No additional fenestration
5. C26 Restriction on use of extension roofs