

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date: 23 May 2023

Report of

Director of Planning &
Growth - Brett Leahy

Contact Officers:

Ms L Lewis
Sharon Davidson

Category

Householder

Ward

Cockfosters

Councillor Request

Cllr Georgiou

LOCATION: 65 Kingwell Road, Barnet, EN4 0HZ

APPLICATION NUMBER: 23/00152/HOU

PROPOSAL: Single storey rear extension, first floor side extension with a canopy to the front.

Applicant Name & Address:

Mr Bilal Ustun
65 Kingwell Road
Enfield
EN4 0HZ

Agent Name & Address:

Mr Murat Aydemir
Intelliarch Ltd
47 Eversley Park Road
London
N21 1JJ

RECOMMENDATION:

1. Grant subject to conditions.



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Scale 1:1250

North



1. Note for Members

Although an application of this scale and nature would normally be determined under delegated authority, the application has been reported to committee for determination at the request of Councillor Georgiou for several reasons including concerns around the permitted development, the submission of the proposal while the permitted development extension is still being built, the mass of the proposed extensions, views of trees, size of the outbuilding, and concerns over the content of the planning statement.

2. Executive Summary

The application is for extensions to a house. The application as initially submitted included an outbuilding at the end of the garden to accommodate a swimming pool but this has been withdrawn from the proposal.

3. Recommendation

That planning permission be GRANTED subject to the following conditions

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the decision notice.

Reason: To comply with the provisions of s51 of the Planning & Compulsory Purchase Act 2004.

Approved plans

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Proposed block plan 1446-65 revision B dated 7/3/2023 received 7/3/2023
Proposed ground floor plan 1446-70 revision A dated 18/1/2023 received 19/1/2023
Proposed first floor plan 1446-80 revision A dated 18/1/2023 received 19/1/2023
Proposed second floor plan 1446-100 revision A dated 18/1/2023 revised 19/1/2023
Proposed roof plan 1446-111 dated 18/3/2023 received 20/3/2023
Proposed south elevation 1446-120 revision A dated 18/1/2023 received 19/1/2023
Proposed north elevation 1446-121 dated 27/3/2023 received 27/3/2023
Proposed west elevation 1446-130 revision A dated 18/1/2023 received 19/1/2023
Proposed east elevation 1446-140 revision A dated 18/1/2023 received 19/1/2023.

Reason: For the avoidance of doubt and in the interests of proper planning.

Matching materials

3. All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building.

Reason: To safeguard the appearance of the premises and the character of the immediate area.

Delegated Authority

- 3.1 That the Head of Development Management be granted delegated authority to agree the final wording of the conditions to cover the matters in the Recommendation section of this report.

4. Site & Surroundings

- 4.1 The site is in Hadley Wood, towards the east side of the settlement not far from Cockfosters Road. The site is not near to the Conservation Area.
- 4.2 The plot faces Kingwell Road to the north and the garden faces south. The plot is 8m wide at the front, about 32m wide at the far rear and is overall 70m deep. The rear garden from the back of the existing house is about 40m long. The surrounding area is residential. It appears that the application site is one of several houses that would originally have been built to the same design but most of these have already been extended. Neighbouring dwellings have also been extended, some substantially.
- 4.3 The application dwelling has previously been extended at two storeys to the rear, and to the side/rear at single storey to provide a garage and another room. The house is in the process of being extended upwards following a grant of prior approval. The additional storey is substantially complete externally.
- 4.4 Due to the dwellings at this end of the street being at the head of a cul de sac the front building line of numbers 63-67 effectively curves, and the fronts of the dwellings are closer together than the rears. The distance between the front corner of No 65 and the front corner of No 67 is less than 2m but the buildings are nearly 6m apart at the rear.

5. Proposal

- 5.1 The proposal is to construct side and rear extensions to the dwelling. The side/rear extension would incorporate the existing side garage but make it wider and rework the existing footprint behind. The upper part of the extension, which would be new floorspace, would accommodate a bedroom and associated space. This element would be set in from the side boundary slightly and would project rearwards wrapping around the corner of the original first floor.
- 5.2 The existing two storey rear extension projects outwards sideways beyond the side wall of the house but due to the layout of No 65 and also No 67 this element is not visible from the street. This would be increased in height very slightly but not to a material extent.
- 5.3 The rear extension would be across the entire width of the building at ground floor, bringing the projection out to line up with the existing element behind the garage.

5.4 The plans show substantial reworking of the interior, but this is only material to consideration of the application to a very limited extent.

5.5 At the front a porch canopy would be constructed outside the front door.

6. Relevant Planning History

Application site

6.1 20/03411/PHA - Prior approval for the erection of a 2nd floor extension to accommodate additional habitable rooms for existing single family dwelling to a maximum height of 2.4m. Refused 22/2/2021 as the proposed additional storey would have been above an extension which does not comply with the Permitted Development requirements. This application was also refused due to lack of information relating to controlling the impact of the development on neighbours.

6.2 21/03163/PHA - Prior approval for the erection of a 2nd floor extension to accommodate additional habitable rooms for existing single family dwelling to a maximum height of 10.158m. Granted subject to conditions 18/11/2021.

6.3 ENF/22/0869 - Alleged scaffolding built against neighbours house overlooking property. Case closed.

7. Consultation

Statutory and Non-Statutory Consultees

SuDS Team

7.1 Sustainable drainage strategy required. Further information required relating to the outbuilding and swimming pool.

Public

7.2 Consultation letters dated 20/2/2023 were sent to 7 neighbouring and nearby properties. Following the withdrawal of the outbuilding from the proposal reconsultations were issued, on the 5/4/2023. In response to the first consultation 7 representation were received which, in summary, raise the following points.

Design of extensions

- Proposed extensions will add further mass
- Disproportionately oversized dwelling out of proportion with locality especially No 67
- Side extension will largely obscure view of mature trees in rear gardens, view of vegetation crucial to setting of Hadley Wood
- Cluttered south elevation
- Plans do not show front elevation in context of neighbouring properties

- Three storey house unlikely to have been approved is submitted as single application

Officers' response

These matters are considered in the assessment section below.

Other matters

- Removal of trees and shrubbery at rear of garden
- Loss of trees has caused neighbour's outbuilding to move
- Additional height has removed privacy [regarding properties at the rear]
- Application submitted before upwards extension completed but on the basis that the three storey building is "existing"
- Precedent allowing applicants to "cherry pick" aspects of permitted development
- Trespassing and encroachment on neighbouring property
- Garage/single storey extension has been demolished at the permitted development stage and steels have been put in place to support an additional floor above

Officers' response

The removal of trees and shrubbery, which are not located within a Conservation Area or protected by a Tree Preservation Order, does not fall under planning control. Other points are addressed below.

Outbuilding

- The planning statement includes incorrect comments
- Would be too close to boundaries affecting vegetation on neighbouring plots
- No drainage plans provided

Officers' response

The outbuilding has been removed from the proposal.

8. Relevant Planning Policies

- 8.1 Section 70(2) of the Town and Country Planning Act 1990 requires the Committee have regard to the provisions of the development plan so far as material to the application: and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Framework 2021

- 8.2 The National Planning Policy Framework (NPPF) introduces a presumption in favour of sustainable development. In this respect, sustainable development is identified as having three dimensions - an economic role, a social role and an environmental role. For decision taking, this presumption in favour of sustainable development means:

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

8.3 The NPPF recognises that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan as the starting point for decision making.

8.4 Paragraph 48 of the NPPF details when weight may be given to relevant emerging plans. This guidance states that the stage of preparation, the extent to which there are unresolved objections and the degree of consistency of relevant policies to the Framework are relevant.

The London Plan 2021

8.5 The London Plan together with Enfield's Local plan forms the Development Plan for this application. It is the overall strategic plan for London setting out an integrated economic, environmental, transport and social Framework for the development of London for the next 20-25 years. The following policies of the London Plan are considered particularly relevant:

D4 Delivering Good Design

Local Plan - Overview

8.6 Enfield's Local Plan comprises the Core Strategy, Development Management Document, Policies Map and various Area Action Plans as well as other supporting policy documents. Together with the London Plan, they form the statutory development plan for the Borough. Enfield's Local Plan sets out planning policies to steer development where they align with the NPPF and the London Plan 2021. Whilst many of the policies do align with the NPPF and the London Plan, it is noted that these documents do in places supersede the Local Plan in terms of some detail and as such the proposal is reviewed against the most relevant and up-to-date policies within the Development Plan.

Enfield Core Strategy: 2010

8.7 The Core Strategy was adopted in November 2010 and sets out a spatial planning framework for the development of the Borough through to 2025. The document provides the broad strategy for the scale and distribution of development and

supporting infrastructure, with the intention of guiding patterns of development and ensuring development within the Borough is sustainable.

CP30 Maintaining and improving the quality of the built and open environment
CP25 Managing flood risk through development

Development Management Document (2014)

8.8 The Council's Development Management Document (DMD) provides further detail and standard based policies by which planning applications should be determined. Policies in the DMD support the delivery of the Core Strategy.

8.9 The following local plan Development Management Document policies are considered particularly relevant:

DMD9 Amenity Space
DMD9 Distancing
DMD11 Rear extensions
DMD14 Side extensions.

8.10 Other Material Considerations

National Planning Practice Guidance
Community Infrastructure Levy Regulations 2010 (as amended)

Enfield Local Plan (Reg 18) 2021

8.11 The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for several sites. It is Enfield's Emerging Local Plan.

8.12 As the emerging Local Plan progresses through the plan-making process, the draft policies within it will gain increasing weight, but at this stage it has relatively little weight in the decision-making process.

8.13 Key local emerging policies from the plan are listed below:

Policy DM SE2 – Sustainable design and construction
Policy DM SE4 – Reducing energy demand
Policy DM SE5 – Greenhouse gas emissions and low carbon energy supply
Policy DM SE7 – Climate change adaptation and managing heat risk
Policy DM SE8 – Managing flood risk
Policy DM SE10 – Sustainable drainage systems
Strategic Policy SPBG3 – Biodiversity net gain, rewilding and offsetting
Policy DM BG8 – Urban greening and biophilic principles
Policy DM DE13 – Housing standards and design
Policy DM DE14 – External amenity standards
Policy DM DE15 – Residential extensions

9. Analysis

- 9.1. The Planning and Compulsory Purchase Act 2004 and the Town and Country Planning Act 1990 seek to establish that planning decisions are taken in accordance with the Development Plan unless material considerations indicate otherwise. Furthermore, paragraph 11 (c) of the NPPF goes on to state that development proposals that accord with the development plan should be approved without delay.
- 9.2. This report sets out the analysis of the issues that arise from the proposal when assessed against the development plan and the NPPF
- 9.3. This application has been subject to negotiation to address the concerns raised by officers and local residents through the consultation process.
- 9.4. The main considerations of the development are the following.
 - Principle of Development
 - Character and Design
 - Neighbouring Residential Amenity
 - Flood Risk and Drainage
 - Trees and Landscaping
 - Traffic, Access and Parking

Principle of Development

- 9.5. The principle of extending residential properties in residential areas is acceptable subject to consideration of material planning matters.

Character and Design

- 9.6. The existing dwelling is a three storey house with ground floor extensions to side/rear and a two storey rear extension. Although some concerns have been raised about the state of construction of the new top floor, in respect of consideration of this proposal the third storey is there, has been granted prior approval, and looks likely to be completed. It cannot be assessed in itself as part of this proposal, but it does form part of the context in which the proposed additional extensions will be assessed.
- 9.7. The existing character is that the dwelling has at some point been rendered, although as with the other houses that were originally built to the same design it would have been of red brick. The windows have also at some point been replaced but are of a similar appearance. The new top floor has been designed in keeping with the character of the pre-existing house.
- 9.8. In terms of impact on the streetscene, the only consideration is the additional first floor above the garage as this is the only element that will be visible from the street. This would be set back from the side boundary by about one metre. The ground floor would be up to the boundary with No 63, as per existing. As existing however there is a flat roof and as proposed the roof would be pitched. This means that if the guttering is to avoid encroachment onto neighbouring land it would have to be enclosed as box guttering or something similar. No details have been provided of this but the plans clearly show that this has been considered and that the guttering would be within the site.

- 9.10 Policy DMD 14 states that side extensions must not create a continuous façade of properties which would be out of character with the locality. The local character is of detached dwellings, although many of them have been so substantially extended that there is no meaningful gap at ground floor, and a minimal offset to the boundary of 1m at first floor.
- 9.11 No 63 to the west of the application site has been extended to the side and is now about 1m from the shared boundary at ground and first floor, with no first floor set back. No 63, and No 61 beyond, are each set back from the boundary by 1m at first floor but effectively adjoining at ground floor. There are similar ground floor arrangements between other pairs of houses on the street although it appears that this might be an evolution of an original feature where two detached houses were joined by walls to garages and side gates.
- 9.12 No 67 to the east has not been extended to the side alongside the application site, but due to the difference in orientation the front corner of this property is so close to the boundary that side extension would be impractical.
- 9.13 The character of the area appears to have evolved over time so that the predominant character of , well-spaced houses with gaps between them giving views to landscaping behind is changing to what is, in some areas, a row of extremely large houses with little spacing in between..
- 9.14 The proposed first floor extension follows this emerging character of build at ground floor to the boundary and build at first floor about one metre off the boundary. The roof to this element would be pitched like that of the main house, and it is not considered that this would be out of character with the area.
- 9.15 The extensions to the rear would not affect the public realm. Policy DMD11 requires only that there is no adverse visual impact, but there is a lower threshold where the extensions are not visible from the public realm. The rear extensions would be of various forms, with pitches to the new rear and side elements and the retained flat roof to the existing two storey rear element. This would only be viewable from neighbouring gardens and, given the varied appearances of other extensions in the area, and the size of the plots and gardens, it is not considered that the rear extension appearance would be harmful.
- 9.16 A porch canopy is proposed at the front. It is very similar to porch canopies on several other nearby houses and therefore is compatible with the established character of the surrounding area.
- 9.17 A condition is recommended to secure matching materials.

Neighbouring Residential Amenity

- 9.18 The proposed side extension to the west would introduce a second floor alongside the side elevation of No 63. There are side windows to No 63 but according to the plans for extensions to that house these windows serve non-habitable rooms and so minimal weight needs to be given to impact.
- 9.19 The minor increase in height to the existing rear extension would not have any material impact on neighbours.

- 9.20 The proposed single storey rear extension would not project beyond the rear building line of No 63 and would be about 4m laterally from the rear of No 67. The rear of No 67 faces slightly away from the side of No 65 and so it is not considered that the proposed single storey extension would have any material impact on either of the two adjacent neighbours.
- 9.21 Some neighbours to the rear have commented about the impact on privacy however these comments appear to relate to the additional storey that is not under consideration. Regardless of which windows are causing the concern, there is a window to window separation distance of about 80m, which is roughly four times the usual requirement. Comments about overlooking of gardens, given that the garden to the application site is about 40m long, cannot be supported.
- 9.22 Overall, it is considered that the proposed extensions would not have any harmful impact on the amenities of occupiers of neighbouring and nearby dwellings and is therefore in accordance with relevant policies.

Flood Risk and Drainage

- 9.23 The site is not in a flood zone and as the outbuilding has been withdrawn from the proposal there are no concerns relating to surface water impact of that element.
- 9.24 Policy DMD61 requires that all development maximises the use of Sustainable Drainage. No relevant information has been provided however the site is already either built on or hard surfaced where development is proposed and so it is not considered that a requirement for a sustainable drainage strategy would be proportionate in this case.

Trees and Landscaping

- 9.25 Some comments have been received about the removal of trees and shrubbery in the garden, but the site is not in a Conservation Area and there are no tree preservation orders applicable. This means that the removal of trees and shrubs fall outside of planning control.
- 9.26 The loss of the view alongside the house is not considered to be harmful in terms of landscaping. This is a change that must have occurred each time a nearby house was extended to the side and is therefore an established part of the evolution of the streetscene.
- 9.27 As the proposal is for domestic extensions only it is not considered that a requirement for a scheme of landscaping would be proportionate.

Access, Traffic, and Parking

- 9.28 The proposal will retain the garage although slightly larger. There would no change to the sideway alongside the east side of the house, and the proposal does not include any changes to the frontage of the property. This means that there are no access, traffic or parking issues to consider.

Community Infrastructure Levy (CIL)

- 9.29 The development would result in additional floorspace of less than 100 sq m and so would not have to pay CIL.

10 Public Sector Equality Duty

- 10.1 In accordance with the Public Sector Equalities Duty, it is considered the proposal would not disadvantage people who share one of the different nine protected characteristics as defined by the Equality Act 2010 compared to those who do not have those characteristics.

10. Conclusion

- 10.1 The proposal is for small scale residential extensions that are in keeping with the character of the area and would not have any harmful impact on neighbour amenity. The application is recommended for approval.