


DELEGATED REPORT

ENFORCEMENT NOTICE

LOCATION:	Land at: 50 Galsworthy Road London NW2 2SH	REFERENCE:	ENF/0718/21
		OFFICER:	
		WARD:	Childs Hill

CONTRAVENTION:

Without planning permission, the erection of a part single, part two storey rear extension including a ground floor wooden and plastic canopy extension.

RECOMMENDATION:

To issue an ENFORCEMENT NOTICE and to serve copies thereof on the owners and occupiers of the premises, in respect of which the planning contravention has taken place requiring:-

1 Demolish the part single, part two storey rear extensions and canopy extension, and restore the land to its condition prior to the breach of planning, in line with the following existing plans of permission reference 18/2006/PNH dated 01.05.2018: "Existing rear elevation" from drawing number 2018-Galsworthy-P-R-01 Rev A3, "Existing right elevation" and Existing left elevation" from drawing number 2018-Galsworthy-P-R-02, and "Existing G/F", "Existing F/F" and "Existing Loft" from drawing number 2018-Galsworthy-P-R-03.

2 Permanently remove all constituent materials resulting from the works in 1. above from the property

Within a period of 6 Months from the date on which the Notice takes effect. That the Notice shall take effect on a date to be specified therein not being less than 34 days from the date of issue.

That the Head of Legal Services to be instructed to take such action as may be necessary, including legal proceedings, to secure compliance with the Notice.

CONSTRAINTS:

None

REPRESENTATIONS:

None

EQUALITIES AND DIVERSITY ISSUES

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies is set out in Section 149 of the Act. The duty requires the Council to have due regard to the need to eliminate discrimination and promote equality in relation to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

The enforcement action does not conflict with the requirements of the Equality Act and nor do they conflict with Barnet Council's equalities policy or the commitments set in its equality scheme.

SITE VISITS:

16.09.2021

OFFICER REPORT:

The site benefits from granted prior approval under reference: 18/2006/PNH dated 1 May 2018 for Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.7 metres and maximum height of 3 metres.

There is also approval subject to conditions reference 18/3899/HSE dated 29 August 2018 for Part two storey rear extension following the demolition of existing single storey rear extension. Added to this, a single storey corrugated plastic and wooden framed rear extension has been developed without the benefit of planning permission.

An inspection of the development identified that both of the permissions were built simultaneously and therefore not in compliance with the agreed plans. After protracted communication, via face to face, telephone and email with the developer, the developer stated that they do not wish to make a retrospective planning application.

PLANNING APPRAISAL:

The application site is located at 50 Galsworthy Road, consisting of a two-storey terraced dwellinghouse with front and rear amenity space. The area surrounding the proposed site consists of similar terraced dwellinghouses with the area being primarily residential. The site is located within the Childs Hill ward.

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.

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.

Planning application reference 18/3899/HSE was approved on the basis that the scale of the development was relative to that of the existing dwellinghouse, being in line with the residential design guidance and subordinate to that of the original property.

In terms of the combined permissions (18/2006/PNH and 18/3899/HSE), jointly they are considered to be out of character and overbearing to adjacent neighbouring properties and would encompass them. Due to the host property being terraced, it does not maintain a significant distance between its adjacent neighbours. Overall, it is considered that the extensions would cause harm to neighbouring properties.

Due to the overall size and mass of the extensions, it is considered that they have an unacceptable impact on the residential amenity of neighbouring occupiers and its character

With regard to the combined development of application reference 18/2006/PNH and reference 18/3899/HSE , in addition to the single storey wooden framed and corrugated plastic rear extension developed without planning permission on site, it is considered that the sheer size, scale and design of the added bulk on the dwelling negatively impacts on the character of the area. This leads to an over development of the site, creating a visually obtrusive, incongruous and unsympathetic development. The works which has not been built in accordance with the approved plans results to a development that is to the detriment of the property, and the character of the area in general. This is contrary to Council policies DM01, DM02 and the adopted Residential Design Guide 2016. It is therefore recommended that an enforcement notice be served on the property.

JUSTIFICATION:

1 The development by reason of its size, siting, bulk and design constitutes a disproportionate, discordant and incongruous addition to the property, to the detriment of the character and appearance of the terraced properties and the general locality, contrary to policy DM01 of the Development Management Policies DPD, policy CS5 of the Barnet Core Strategy and the Supplementary Planning Document: Residential Design Guide (2016).

2 The scale and rearwards projection of the extension creates an overbearing structure that causes a loss of adequate daylight, sunlight and outlook for current and future occupiers of the adjoining properties contrary to policy DM01 (Protecting Barnet's character and amenity) of the Adopted Development Management Policies DPD (2012). The extension also creates an overbearing impact for the whole development and hence disregards advice contained within the Adopted Residential Design Guidance SPD (2013).

Planner (ENF) _____ Date: _____

Acting for
Service Director – Planning and Building Control _____ Date: _____