

LOCATION: 23 Uphill Road, London, NW7 4RA
REFERENCE: H/03415/13 **Received:** 02 August 2013
Accepted: 09 August 2013
WARD(S): Mill Hill **Expiry:** 04 October 2013
Final Revisions:

APPLICANT: Mr & Mrs M Markham

PROPOSAL: Part single, part two storey side and rear extension involving conversion of existing garage into habitable space. Roof extension involving 3no. rear dormer windows to facilitate a loft conversion.

RECOMMENDATION: Refuse

- 1 The proposed extensions and their cumulative impact by reason of their size, siting, bulk and design will have a detrimental impact on the character and appearance of the property and the street scene contrary to policies CS5 of the Barnet Core Strategy (2012), DM01 of the Development Management Document (2012) and Supplementary Residential Design Guidance 2012.

INFORMATIVE(S):

- 1 The plans accompanying this application are: Site plan; 408713/1; 408713.
- 2 In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.
The applicant did not seek to engage with the Council prior to the submission of this application through the established formal pre-application advice service. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the Council to discuss possible solutions to the refusal reasons.
- 3 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to the appeal process itself:

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments. This planning application was assessed as liable for a £10,920.00 payment under Mayoral CIL at this time.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking were set at a rate of £0 per sq m. This planning application was assessed as liable for a £42,120.00 payment under Barnet CIL at this time.

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail.

If Affordable Housing Relief or Charitable Relief applies to this development, such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

The assumed liable party will be sent a 'Liability Notice' providing full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the original applicant for permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice; also available from the Planning Portal website.

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of any appeal being allowed, please contact us: cil@barnet.gov.uk.

1. MATERIAL CONSIDERATIONS

The application is reported to Committee at the request of Councillor Khatri.

National Planning Policy Framework

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 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. 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 London Plan is recognised in the NPPF as part of the development plan.

The NPPF states that "good design is a key aspect of sustainable development, is

indivisible from good planning, and should contribute positively to making places better for people."

NPPF retains 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 July 2011:

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 2031. It forms part of the development plan for Greater London.

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.

Relevant Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11th September 2012

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.

Relevant Development Management DPD (2012): Policies DM01, DM02.

Supplementary Planning Documents and Guidance

The Council adopted the following two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations. The Residential Design Guidance SPD (2013) and Sustainable Design and Construction SPD (2013) are now material considerations.

Relevant Planning History:

Site history for current landparcel :
29020 - 23 Uphill Road, London, NW7 4RA
Case Reference: H/03415/13

Application:	Planning	Number:	H/00058/13
Validated:	07/01/2013	Type:	HSE
Status:	DEC	Date:	26/04/2013
Summary:	APC	Case Officer:	Elizabeth Thomas
Description:	Extension to roof including side and rear dormer windows with six roof lights to the front elevation to facilitate a loft conversion. Part single, part two-storey side and rear extension. Conversion of garage into habitable room.		

Application: Planning
Validated: 11/11/2008
Status: DEC
Summary: APC
Description: Part rear extension to ground and first floor. Alterations to ground floor front elevation and front extension to garage. New pitched roof to part first floor.

Number: H/04261/08
Type: APF
Date: 06/01/2009
Case Officer: Matthew Corcoran

Application: Planning
Validated: 03/07/2006
Status: DEC
Summary: REF
Description: 1 x Cypress - Reduce Crown by 20%. Standing in Grop G8 of Tree Preservation Order

Number: W/13856/A/06/TRE
Type: TPO
Date: 30/08/2006
Case Officer: Ms A Currell

Application: Planning
Validated: 01/09/2004
Status: DEC
Summary: REF
Description: Conifer - To Reduce by 20% to 25%. Standing in Group G8 of Tree Preservation Order

Number: W/13856/04/TRE
Type: TPO
Date: 27/10/2004
Case Officer: Ms A Currell

Consultations and Views Expressed:

Neighbours Consulted: 5
Neighbours Wishing To Speak 0

Replies: 1 (support).

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application property is a large detached dwellinghouse located in the Mill Hill ward. The property lies adjacent to the access road serving Anthony Close. The neighbouring property no.21 Uphill Road has benefitted from substantial extensions as have a number of other properties along Uphill Road.

Dimensions:

The application relates to a two storey side extension

Side extension - the side extension will have a width of 8.2m with the associated roof extending up to the main ridge line of the existing roof over the main dwellinghouse. At ground floor level the extension will have a depth of 13.3m as it will tie in with the proposed ground floor rear extension and at first floor level the side extension will have a depth of 11.5m.

Rear extension - the proposed ground floor rear extension will have a depth of 1.9m and at first floor level it will align with the existing en-suite projection.

Rear dormer windows - 3 rear dormer windows are proposed in the extended roof. Each dormer will have a width of 3m by 1.5m in height.

Planning Considerations:

The main issue in this case are considered to be covered under two main areas:

- The living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal.

Living conditions of neighbouring residents

The proposed extensions are not considered to result in harm to the amenities of neighbouring residents. Policy DM01 of the Development Management Policies (Adopted) 2012 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. It is considered that the proposed extensions are compliance with the objective of Policy DM01.

The proposed rear extension will be set 7.2m from the main side wall of the property ensuring a sufficient distance between no.21 and 23 to ensure that there will be no harm to the neighbouring residential amenities.

A significant distance between 23 and 25 Uphill Road is maintained by virtue of the access road to Anthony Close and as such the proposed extension on this side of the property is not considered to result in a loss of amenity to the neighbouring side windows.

Harm to the character and appearance of the area and street scene

CS policy CS5 and Development Management Policies 2012 (DMP) policy DM01 aim to protect Barnet's character and amenity with developments expected to create places and buildings of high quality design. Development is required to respect its context, demonstrate high levels of environmental awareness and be based on an understanding of local characteristics and appearance. These policies are in line with paragraph 56 of the National Planning Policy Framework 2012 (the Framework) that attaches great importance to the design of the built environment with good design expected to contribute positively to making places better for people.

The proposed two storey side extension would measure more than half the width of the original property creating an overbearing and dominant extension. The proposal will result in a double frontage property that will appear out of context within the immediate surroundings. The proposal would not be subordinate in any form and the proposed first floor side extension would be in line with the front building line and create a new bay window feature to align with the existing bay. The first floor side element will extend without any set in from the ground floor level, which is contrary to Council Guidance on extensions to houses. It is considered that the proposed two storey side extension would have a detrimental impact on both the character and appearance of the property and the wider street scene. Furthermore, the proposed roof is considered to add additional and unnecessary bulk to the property and contributes to the unacceptable scale and bulk of the proposed extensions.

The proposed two storey side extension by virtue of its proximity to the boundary with the access to Anthony Close would be overbearing.

It is noted that planning permission was granted in 2009 for a new pitch roof over the existing first floor flat roof, however, this was set significantly lower than the main ridge line of the roof over the main dwellinghouse and did not project beyond the existing side building line of the property and as such this proposal maintained subordination.

Planning permission was then approved in April 2013 for extensions to the property by way of a part single, part two storey side and rear extensions. This approval ensured that the extensions were set back from the front building line, the first floor side extension was set in by 3m from the side and the roof was set substantially lower than the main ridge line. In addition this approval did not seek to alter the front elevation to such a degree as currently proposed which is considered to significantly alter the character of the property to the detriment of this part of Uphill Road. The current proposal is considered to be significantly different to that previously approved in that it is considered that the proposal fails to comply with Council policies and guidance and will result in harm to an unacceptable degree.

It is acknowledged that properties along Uphill Road have benefited from large extensions but none in this part of the road to the same scale and bulk as the proposal. Other examples where properties have benefited from two storey side extensions along this stretch of Uphill Road follow design guidance which indicates that extensions should be set back from the front building line and with a lower roof level. Due regard has been given to the extensions at no.27 Uphill, however, this has been designed in such a way that the extensions are set back from the front building line and with a lower roof level to ensure the main house is read separately to the subordinate additions.

The proposed extensions to the property will completely change the character of the existing dwelling, changing it from a single fronted property to double fronted which does not relate well to the neighbouring properties

Based on the above considerations, the proposal by virtue of the scale, design and siting of the extensions, in particular the two storey extension, associated roof extension and dormer windows on the rear elevation of the property, would form dominant additions to the property which would be detrimental to the character and appearance of the street scene. Furthermore, the cumulative impact of the scale and number of additions and alterations to the property would result in the proposed extensions failing to remain subordinate in scale to the property. The proposal would therefore be detrimental to the character and appearance of the property and surrounding area and is contrary to the National Planning Policy Framework, Barnet's Local Plan Development Management policies DM01, Core Strategy CS5 and Supplementary Residential Design Guidance 2012.

Protected Trees

A tree preservation order exists in the rear garden of the property. As per the

previous approval it is not considered that the proposed extensions, subject to appropriate conditions, would result in harm to the trees of special amenity value.

3. COMMENTS ON GROUNDS OF OBJECTIONS

None received at the time of writing the report.

4. EQUALITIES AND DIVERSITY ISSUES

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

Having taken all material considerations into account, it is considered that this proposal fails to comply with the Adopted Barnet Local Plan policies and guidance and would be out of character and appearance to the host property and the surrounding area to an unacceptable degree. The application is recommended for **REFUSAL**.

6. CONDITIONS IN THE EVENT OF AN APPEAL

1. 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.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. Site plan; 408713/1; 408713.

Reason:

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

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 the surrounding area.

4. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the side elevations, of the extensions hereby approved, facing no. 25 Uphill Road.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties.

SITE LOCATION PLAN: 23 Uphill Road, London, NW7 4RA

REFERENCE: H/03415/13



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