

Location **49 Hodford Road London NW11 8NL**

Reference: **15/01175/HSE** Received: 25th February 2015
Accepted: 4th March 2015

Ward: Childs Hill Expiry 29th April 2015

Applicant: Mr & Mrs Max Wolman

Proposal: Part single part two storey side and rear extension following demolition of existing garage and shed. New rear raised terrace. single storey front extension to accommodate a new porch.

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

380/S.00 Site Location Plan; 380/S.01 Rev A Existing Ground Floor Site Plan; 380/S.02 Existing First Floor; 380/S.03 Existing Second Floor; 380/S.04 Existing Roof Plan; 380/S.05 Existing Roof Plan; 380/S.06 Existing Front Elevation; 380/S.07 Existing Rear Elevation; 380/S.08 Existing RHS Elevation; 380/S.09 Existing LHS Elevation; 380/S.10 Existing Section AA; 380/S.11 Existing Section BB; 380/S.012 Existing Section CC; 380/S.013 Existing Section DD; 380/S.14 Existing Section EE; 380/S.015 Existing Section FF; 380/S.016 Existing Section GG; 380/S.17 Existing Vertical Survey Dims; 380/PL01 Rev D Proposed Site Plan; 380/PL02 Rev D Proposed Ground Floor; 380/PL03 Rev C Proposed First Floor; 380/PL04 Rev E Proposed Loft Plan; 380/PL05 Rev E Proposed Roof Plan; 380/PL06 Rev B Proposed Front Elevation; 380/PL07 Rev E Proposed Rear Elevation; 380/PL08 Rev D Proposed RHS Elevation; 380/PL09 Rev E Proposed LHS Elevation; Right of Light Consulting Daylight and Sunlight Study

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 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.

- 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 surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 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).

- 5 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing 51 Hodford Road 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 April 2013).

- 6 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 or doors, other than those expressly authorised by this permission, shall be placed at any time in the first floor flank elevation(s), of the extension(s) hereby approved, facing 47 and 51 Hodford Road.

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).

Informative(s):

- 1 In accordance with paragraphs 186 and 187 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. A pre-application advice service is also offered. 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.

- 2 The applicant is advised that the works approved under the Lawful Development Certificate must be completed in full prior to the construction of extensions approved under this application.

Officer's Assessment

1. Site Description

The application site is located on the western side of Hodford Road, within the Childs Hill ward. To the rear of the site Childs Hill Park is located. The area is suburban - residential in character. The properties along the road follow a constant front and rear building line.

The existing building on site is a semi-detached, two-storey residential dwelling house. Along this part of the street individual properties have an L-shaped footprint and with their attached neighbour create a U-shape across both plots. There is a change in levels across the site with a decline from front to rear.

Between the flank wall of the host property and the boundary with 51 Hodford Road is an existing garage. This pattern is repeated, with the garage of 51 Hodford Road providing a buffer between the side boundary and the main flank wall of the property.

The building holds no designation and the site is not located within a Conservation Area.

2. Site History

Reference: 15/01183/192

Address: 49 Hodford Road, London, NW11 8NL

Decision: Lawful

Decision Date: 28 April 2015

Description: Rear dormer with 2.no rooflights to facilitate hip to gable loft conversion

3. Proposal

This application seeks consent for a part single part two storey side and rear extension following demolition of existing garage and shed. Creation of new rear raised terrace.

4. Public Consultation

Consultation letters were sent to 5 neighbouring properties.

10 responses have been received, comprising 9 objections and 1 letter of support.

The views of objectors can be summarised as follows;

- Over-development of site
- Loss of views and light
- Proposals out of character
- Overlooking
- Dangerous precedent
- Loss of privacy
- Closes up gaps between non-attached properties
- Inappropriate development
- Proposals unbalance existing property

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 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 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'. 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 July 2015

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 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.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

- 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 April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

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

This application was deferred from the 27th July meeting in order for officers to incorporate comments relating to the submitted Daylight and Sunlight Study in the report, as well as to enable the Members to visit no. 51 Hodford Road and assess any impact on the amenities of the occupiers of that property.

The application was deferred from the 17th September meeting to enable officers to provide more explanation of the report's findings.

The provided Daylight and Sunlight study (attached as an appendix) demonstrates that the proposed development at 49 Hodford Road will have a low impact on the light received by the neighbouring properties at 47 and 51 Hodford Road.

The aim of the study is to assess the impact of the development on the light receivable by the neighbouring properties at 47 and 51 Hodford Road, based on various numerical tests laid down in the Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight: a guide to good practice" by PJ Littlefair 2001.

It should be noted that the Guide states:

"The guide is intended for building designers and their clients, consultants and planning officials. The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly, since natural lighting is only one of many factors in site layout design".

The BRE guide contains two tests which can measure diffuse daylight (the light received from the sun which has been diffused through the sky. Even on a cloudy day, when the sun is not visible, a room will continue to be lit with light from the sky):

1. Vertical Sky Component: The percentage of sky visible from the centre of a window. Diffuse daylight may be adversely affected if after a development this is less than 27% and less than 0.8 times its former value.

2. Daylight distribution: where room layouts are known, the impact on the daylight distribution can be found by plotting the 'no sky line' in each of the main rooms. The no sky line separates areas of the working plane that do and do not have a direct view of the sky. Daylight may be adversely affected if, after the development, the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.

In relation to sunlight, the BRE tests should be applied to all main living rooms and conservatories which have a window which faces within 90 degrees of due south. The guidance states that kitchens and bedrooms are less important, although care should be taken not to block too much sunlight.

Sunlight availability may be adversely affected if the centre of the window:

- receives less than 25% of annual probable sunlight hours (APSH), or less than 5% of APSH between 21 September and 21 March, and
- receives less than 0.8 times its former sunlight hours during either period, and
- has a reduction in sunlight received over the whole year greater than 4% of APSH

Availability of sunlight should be checked for all open spaces where sunlight is required, including residential rear gardens. The BRE guide recommends that at least 50% of the area of each amenity space should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sunlight on 21 March is less than 0.8 times its former value, then the loss of light is likely to be noticeable.

In relation to 51 Hodford Road, the property to the north-west of the application site the following numbered windows (as set out in the report) provide light to the kitchen and side extension:

Window 7 - rooflight to dining area in side extension

Window 8 - rear window in side extension

Windows 9 and 10 - door and window to side elevation of kitchen (internal and secondary)

Window 11 - rear window to kitchen

The results of the submitted study are as follows;

Daylight to windows:

All main habitable rooms passed the VSC test. In relation to the 2 internal secondary kitchen windows, the VSC is currently less than 27%. The rear kitchen window 11 passes the test. As windows 9 and 10 are both secondary to a window that does meet the recommendations, they will not need to be considered when deciding whether to grant planning permission, as only main habitable room windows are required to be tested as per s.2.2.6 of the BRE guide.

The proposed development therefore satisfies the BRE daylight requirements.

Sunlight to windows:

All main habitable rooms which face within 90 degrees of due south have been tested for direct sunlight. All main habitable room windows pass both the total annual sunlight hours test and winter sunlight hours test. The rear kitchen window passes the test. The 2 secondary internal kitchen windows have low levels of winter sunlight currently. As

windows 9 and 10 are both secondary to a window that does meet the recommendations, they will not need to be considered when deciding whether to grant planning permission, as only main habitable room windows are required to be tested as per s.2.2.6 of the BRE guide.

The proposed development therefore satisfied the BRE direct sunlight to windows requirements.

Overshadowing to gardens: The proposed development will not create any new area which receive less than two hours of sunlight on 21 March. The before / after ratios are 1 (no loss) and the proposed development therefore passes the BRE overshadowing to gardens test.

It is therefore considered that the proposed development will have a low impact on the light receivable by the neighbouring properties and that the development would not significantly harm the residential amenities of the occupiers of those properties.

Front

It is proposed to infill the existing front recess to create an enclosed porch area. Following the site visit, it was evident that other properties along this part of Hodford Road had successfully undertaken similar developments. It is therefore considered that the proposed porch is in character with other developments in the street and due to it infilling an existing recess will not present any detriment to the amenities of neighbouring occupiers. This addition is considered acceptable.

It was originally proposed to provide a dormer window to the front elevation. However, this was not considered to be characteristic of the street and therefore not supported. This has now been removed from the final scheme.

It is proposed to demolish the existing garage located along the shared boundary with 51 Hodford Road. In its place a part single, part two storey side and rear extension will be sited. The ground floor element is shown to follow the footprint of the existing garage projecting 2.25m in width, taking the development up to the side boundary.

The first floor element would measure 1.4m in width, stepped in from the side boundary by approximately 1m. The first floor element would also be stepped down from the main ridge by 1.5m and back from the main front building line by approximately 1m a small pitched roof would be provided. New windows would be provided at both ground and first floors on the front elevation within the new side extension.

Side facing 51 Hodford Road

The side extension is proposed to be broken up into two elements in order to retain an existing and original side window at first floor. The front element, detailed above, would continue 4.3m in length along the side of the property. A gap of 1.8m would be provided to accommodate the retained first floor window before the other part of the side extension continues for 6.7m length, 2.2m beyond the existing rear building line. A window would be provided on the flank of both elements of the side extension. A condition is suggested requiring these windows to be obscure glazed to prevent any potential overlooking and loss of residential amenity to the occupiers of 51 Hodford Road.

Rear

At the rear of the site it is proposed to provide a part single, part two storey rear extension. The single storey element would be sited across the full width of the plot, projecting 4.2m in depth along the boundary with 51 Hodford Road and 3.5m depth along the boundary with 47 Hodford Road.

Due to the existence of the existing single storey side / rear extension at 51 Hodford Road, which measures approximately 7m depth beyond the original rear building line of the host application property, it is considered that the ground floor development proposed under this application will not cause harm to these neighbouring occupiers. This also indicates that the principle of extending at ground floor as already been established and the proposals are in character.

In regards to the impact of the proposed ground floor development on the amenity of neighbouring occupiers at 47 Hodford Road, the proposals meet the stipulations of the adopted Residential Design Guidance, 2013, which suggests that the depth of a single storey rear extension to a semi-detached property is 3.5m.

The proposed first floor element of the rear proposals show the development stepped in from the shared boundary with 47 Hodford Road by 1.9m, an increase of 0.9m from the original submission. The extension would project across the rest of the width of the property beyond the side building line and towards the side boundary with 51 Hodford Road. As detailed earlier the first floor extension would be stepped in from this boundary by approximately 1m. The first floor element would project 2m in depth, in line with the requirements of the Residential Design Guidance. A pitched roof is proposed to the first floor rear element. The roof is angled away from the shared boundary with 47 Hodford Road to ensure no loss of amenity to these occupiers.

Further to the rear extensions proposed at ground and first floor it is proposed to construct a rear raised terrace. The main part of the terrace is shown to project an additional 1m beyond the rear extension adjacent to the boundary with 51 Hodford Road. The access stairs would be provided beyond this stepped in from the boundary with No 51 by 1.7m. The overall raised terrace development would not project beyond the existing rear extensions at this neighbouring 51 Hodford Road and as such it is not considered that the development will result in any loss of amenity to these neighbouring occupiers.

In regards to the impact of the proposed raised terrace development on the other neighbours at 47 Hodford Road, the terrace is shown as projecting an additional 3m in depth beyond the proposed ground floor extension, but stepped in by 2m from the boundary to prevent overlooking and any potential loss of privacy.

It is proposed to use the area beneath the raised terrace for storage of garden furniture. This is considered to be acceptable.

Side facing 45 Hodford Road

The part single, part two storey development facing 47 Hodford Road does not propose any additional window to the flank wall and therefore the proposals are not considered to result in any overlooking or loss of privacy in this manner.

The proposals, as amended, are considered to be acceptable. It is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street

scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

5.4 Response to Public Consultation

The objections raised by objectors are noted. In regards to the proposals resulting in the overdevelopment of the site, it is recognised that there is a lot of development occurring at the application site. However, as amended, the proposals make the resultant development policy compliant and in line with the requirements of the adopted Residential Design Guidance.

The proposed development is not considered to be out of character. Other properties have undertaken roof and rear extension works. It is recognised that this is the first property in this part of the street to undertake a first floor side extension, but as the amended scheme is considered to meet the stipulations of the Design Guidance and cause no harm to the amenities of neighbouring occupiers.

To prevent any loss of privacy and overlooking from the proposed development to the occupiers of 51 Hodford Road, a condition is suggested requiring the proposed side windows to be obscure glazed.

It is not considered that the proposed development closes up the gap between the host application property and the neighbour at 51 Hodford Road as a step in from the side boundary has been retained. In addition, the neighbouring property only has a single storey garage between the boundary and its flank wall and as such a gap of approximately 2.7m exists.

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 considered that subject to compliance with the attached conditions, the proposed development as amended would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.