

Location **163 Cheviot Gardens London NW2 1PY**

Reference: **15/05128/HSE** Received: 11th August 2015
Accepted: 11th August 2015

Ward: Golders Green Expiry 6th October 2015

Applicant: Mr M Ekoja

Proposal: Erection of a part single, part two storey rear extension; part first floor, part two storey side extension involving extensions and alterations to the existing roof; conversion of a garage to a habitable room involving the replacement of the garage door with a bay window (AMENDED DESCRIPTION)

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: S0758/10; S0758/01; S0758/02 received on 11.08.2015 and S0758/01/A; S0758/02A; P0758/11/E; P0758/12/F, P0758/13/D and P0758/14/A received on 13.11.2015 and e-mail from the agent received on 22.10.2015.

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 flank elevation facing No.165 Cheviot Gardens 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 flank elevation(s), of the extension(s) hereby approved, facing No.161 and No.165 Cheviot Gardens.

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 and the Applicant engaged with this prior to the submissions of this application. 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.

Officer's Assessment

1. Site Description

The application relates to a semi-detached single family dwelling house located on the southern side of Cheviot Gardens. The property has an existing part single storey, part two storey side projection which has an integral garage.

The property is not listed and does not lie within a conservation area.

2. Site History

Ref Number: 15/00790/HSE

Proposal: Two storey and first floor side extension, part single part two storey rear extension, rear dormer and 2no rooflights to front and one rooflight to the side to facilitate loft conversion. conversion of garage into habitable room.

Decision: Refuse

Decision Date: 02.04.2015

Reasons for refusal:

1. The proposed two storey side and rear dormer window roof extensions would, by reason of their design, size, siting and bulk, represent disproportionate and overly dominant additions which are not subordinate to the host property and would be detrimental to the character and appearance of 163 Cheviot Gardens, the pair of semi-detached properties of which it forms a part and the area more widely. The application is therefore unacceptable and contrary to policies CS1 and CS5 of the Barnet Core Strategy (2012), policy DM01 of the Barnet Development Management Policies (2012), policies 7.4 and 7.6 of the London Plan (2015) and the guidance contained within the Barnet Residential Design Guidance Supplementary Planning Document (2013).

2. The proposed two storey side and part single part two storey rear extensions would, by reason of their design, siting, overall size, bulk and height, represent an overbearing and visually obtrusive form of development that would result in an unacceptable loss of outlook to the detriment of the residential amenities of the occupiers of 165 Cheviot Gardens. The application is therefore unacceptable and contrary to policy CS5 of the Barnet Core Strategy (2012), policy DM01 of the Barnet Development Management Policies Document (2012), policy 7.6 of the London Plan (2015) and the guidance contained within the Barnet Residential Design Guidance Supplementary Planning Document (2013).

3. Proposal

Planning permission is sought for the erection of a part single, part two storey rear extension; part first floor, part two storey side extension involving extensions and

alterations to the existing roof; conversion of a garage to a habitable room involving the replacement of the garage door with a bay window.

This application was withdrawn from the Planning Committee on 04.11.2015 as a committee site visit established that the existing plans did not reflect the existing situation. Specifically, a rear and side dormer had been constructed at the premises which was substantially complete.

These roof additions appear have been constructed under permitted development, although no Certificate of Lawful Development application has been submitted to the Council to confirm that this is the case.

Amended plans have subsequently been received which show the side and rear dormer as constructed on existing floor plans and elevations.

The roof additions to the proposed two storey side and rear extension are now shown to be attached to the existing side and rear dormer.

The proposed first floor/two storey side extension would be 2.5m wide and would extend to the rear of the existing part single storey, part two storey side projection. This element would be 5.5m deep. The side extension would extend to the depth of the existing house.

The proposed ground floor of the part single, part two storey rear extension would be 3.5m deep, 9.1m wide and 3.5m high.

Plans originally indicated that the proposed first floor rear extension would project 3.5m to the rear of the existing house and would extend across the entire width of the property. Amended plans have been received which have reduced the depth of the proposed first floor rear extension so that it have a depth of 3m. This element would be 4.2m wide and 7.3m high with a pitched roof.

The current application when compared to the previously refused scheme (ref: 15/00790/HSE) differs in the following respect:

- (i) The proposed two storey side and rear additions would now be attached to an existing side and rear dormer which has been built under permitted development.
- (ii) The depth of the ground floor element of the proposed part two storey part single storey rear extension has been reduced from 4m to 3.5m. The depth of the proposed first floor rear extension has reduced from 4m to 3m and the width of this element has been reduced from 5.3m to 4.2m. The inset of the flank wall of the proposed first floor rear extension from the boundary with No.165 Cheviot Gardens has increased from 0.9m to 2m.

4. Public Consultation

Consultation letters were sent to 19 neighbouring properties in respect of the plans originally submitted.

6 responses have been received comprising 6 letters of objection.

The objections received can be summarised as follows:

- (i) The plans differ little from the previous application (15/00790/HSE).
- (ii) The plans to build so many extensions to one house are very unsuitable for such a quiet residential area. The proposal would result in overdevelopment of a small property.

- (iii) The plans would allow a very large number of residents to live in one property, which will create noise and disturbance to the residents all around this area.
- (iv) The proposal would create parking problems resulting in people parking in front of other the houses belonging to other residents around the area. The Church holds regular activities, which already limits the parking spaces available and the proposal would exacerbate existing parking problems on this narrow road.
- (v) The plans show that individual bedrooms contain double beds, which mean at least 10 people living in the house which would give rise to an increase of noise and disturbance to other residents in this area.
- (vi) The proposal would overshadow properties aligned to 163 Cheviot Gardens.
- (vii) The roof and side extension will disfigure the building symmetry;
- (viii) The development will extend into the garden and will result in a loss of garden space;
- (ix) The extensions at the rear will require trees being uprooted (shown on plans - where air shelter is);
- (x) Increase amount of refuse that would need to be collected and lead to overspill of refuse;
- (xi) Will limit the already scarce parking spaces for disabled visitors to the Church and will block access for emergency services and refuse collection.
- (xii) Tenants do not care for the maintenance of owners unlike long term residents.

Consultation letters were sent to 19 neighbouring properties in respect of the amended plans submitted which include the existing roof extensions.

4 responses have been received comprising 4 letters of objection.

The objections received can be summarised as follows:

- (i) The number of extensions would be excessive and the building will be overbearing and incongruous in the midst of neighbouring semi- detached family homes.
- (ii) The loft has already been converted although loft conversion is not a part of the plan.
- (iii) The rear extension has been completed which makes a mockery of the planning process;
- (iv) The proposal would give rise to disturbance;
- (v) The proposal would give rise to parking problems;
- (vi) There are no exact measurements on the plan and it is difficult to determine how far the proposed development would extend into the garden.
- (vii) The extensions will result in an overshadowing of gardens as well as property on either side of the house. The extension will lead to a loss of light to windows in the adjoining house (161 Cheviot Gardens).
- (viii) It will result in an absolutely unacceptable sense of enclosure both to the house, as well as the garden. The size of the extension will have an overbearing impact, particularly as the houses are situated close together.
- (ix) In 161 Cheviot Gardens the extension would specifically reduce light to the downstairs living room, as well as to the bedroom upstairs.
- (x) The block plans (amended) displayed on the Barnet website do not match the current building.
- (xi) There remains very little difference from the previous plans (15/00790/HSE)

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 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 2050. 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.
- Whether the proposal would be prejudicial to Highway and Pedestrian Safety

5.3 Assessment of proposals

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 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.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The development standards set out in Policy DM02: Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

The Council's SPD 'Residential Design Guidance' states that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant.

The original dwelling was designed with a two storey side projection which is set down from the main ridgeline of the dwelling, this is unique to this property. Before the side and rear dormer was built the roof form of the proposed side extension retained a hipped design.

The extensions proposed under this current application would now be viewed in conjunction with this existing larger side and rear dormer which have been built under permitted development and which are larger than the rear dormer to the previously refused application (ref: 15/00790/HSE).

When viewed from the front of the property the side and rear dormer window which has been constructed has resulted in a half hipped, half gable end roof. The roof addition proposed under this current application would, when viewed from Cheviot Gardens result in a minimal alteration to the roof form which currently exists and the overall size and bulk of these additions are not considered to unbalance the pair of semis when viewed from Cheviot Gardens to a significant enough level to warrant a reason for refusal.

To the rear of the site the revisions to this current application outlined above, when compared to the previously refused application (ref: 15/00790/HSE) would result in a significant reduction to the size and bulk of these elements. These revisions are considered sufficient to ensure that when they are viewed in conjunction with the side and rear dormer they would not cumulatively result in a form of development which would be unacceptably obtrusive, incongruous and unsympathetic to the character and appearance of the dwelling, and character of the area in general.

As such, it is considered that reason for refusal 1 of planning application ref: 15/00790/HSE has been satisfactorily addressed.

Living Conditions

With regard to the previously refused application (15/00790/HSE) the overall size, bulk and height of the proposed two storey rear extension was considered to have an overbearing impact which would have resulted in a loss of outlook when viewed from the neighbouring property, no. 165 Cheviot Gardens, to the detriment of the amenities of the occupants.

In this case, at first floor level the proposed rear extension would be inset by 3.8m from the boundary with No.161 Cheviot Gardens and 2m from the boundary with No.165 Cheviot Gardens. The depth of the proposed first floor extension has also been reduced to 3m. These alterations to the previously refused application would be sufficient to ensure that the proposed first floor element would now be in compliance with the Residential Design Guidance SPD (adopted April 2013).

The depth of the proposed single storey element which would abut the boundary of No.161 Cheviot Gardens would be in compliance with design guidance.

It is considered that the revisions to this current application are sufficient to ensure that the overall size, bulk and siting of the proposed development would not result in a significant loss of outlook, or be overbearing in relation to neighbouring properties.

The rear elevations of the host site and the neighbouring properties are south facing and taking into consideration the inset of the proposed two storey extension from the boundaries with neighbouring properties it is considered that the proposed development

would not be overbearing, or result in an unacceptable loss of daylight or sunlight to habitable rooms or the rear gardens of these properties.

The first floor windows in the proposed flank elevation are non-habitable and the windows at ground floor level are secondary windows. If the Council were minded to recommend approval these windows could be obscured glazed. As such, it is considered that this element would not give rise to an unacceptable loss of privacy.

Highway and Pedestrian Safety

The proposed conversion of the garage would result in the loss of a parking space. However, adequate space would be provided to the front to accommodate a motor vehicle, which is considered to be sufficient.

5.4 Response to Public Consultation

With regard to the letters of objection original received and with reference to point (i), there are a number of differences which are outlined in the main body of the report; points (ii), (vi), (vii) have been addressed in the main body of the report. Points (iii), (iv), (v), (x) and (xi) an extension to a house is not considered to give rise to an unacceptable increase in congestion, noise and disturbance, overcrowding, refuse storage on street parking or traffic congestion to justify the refusal of this application. Point (viii) sufficient garden area would remain to meet Council standards. Point (ix) the trees are not protected and any loss of existing trees would not be sufficient to justify the refusal of this application. Point (xii) is not a planning reason for refusal.

With regard to the amended plans received:

For the reasons outlined in the main body of the report point (i) is not considered to be sufficient to justify the refusal of this application. With regard to points (ii) the existing loft conversion is shown on the amended plans which have been submitted. With reference to point (iii) any development which is undertaken without planning permission has been undertaken at the risk of the applicant. However, planning permission can be granted retrospectively. Points (iv) and (v) have been addressed above. Point (vi) sufficient information has been received to ascertain the nature of the proposed development. Points (vii), (viii) and (ix) have been addressed in the main body of the report. Point (x) the amended proposed block plan is considered to accurately reflect the existing situation. Point (xi) the differences between the previous and current application have been outlined in the report and these revisions are considered to be sufficient for this application to be recommended for approval.

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 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.

