

**Location**                    **16 Tretawn Gardens London NW7 4NR**

**Reference:**                **15/07849/HSE**                    Received: 22nd December 2015  
Accepted: 22nd December 2015

Ward:                        Mill Hill                                Expiry 16th February 2016

Applicant:                Mr L Gainsley

Proposal:                    Demolition of existing side and rear extension and erection of part single part two storey side and rear extension. Creation of basement level with rear access. Conversion of garage into habitable space. Roof extension including 2 no. side dormers and 1 no. rooflight to rear to facilitate crown roof loft conversion and increase in roof height

**Recommendation:** Approve subject to conditions

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. 000 Rev 0; Drawing no. 001 Rev 0; Drawing no. 010 Rev 0; Drawing no. 011 Rev 0; Drawing no. 012 Rev 0; Drawing no. 013 Rev 0; Drawing no. 020 Rev 0; Drawing no. 024 Rev 0; Drawing no. 030 Rev 0; Drawing no. 209 Rev 0; Drawing no. 210 Rev 0; Drawing no. 211 Rev 0; Drawing no. 212 Rev 0; Drawing no. 220 Rev A; Drawing no. 222 Rev A; Drawing no. 224 Rev A; Drawing no. 230 Rev A; Drawing no. 232 Rev A; Drawing no. 240 Rev 0.

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 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

b) The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

5 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 side elevation(s), of the extension(s) hereby approved, facing no.14 and no.18 Tretawn 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).

6 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).

7 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

8 Prior to any works starting on site, further information on ground conditions and ground water levels should be submitted to establish how the soil will be stabilised during excavation and how ground water will be prevented from potentially entering the excavation and washing out soil to surrounding areas. Those details shall be submitted and agreed in writing by the Local Planning Authority before any works start on site. The development shall be implemented in accordance with the approved details and permanently retained in accordance with those details thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

## **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.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £5,019.00 payment under Mayoral CIL.

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 are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £19,359.00 payment under Barnet CIL.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are 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, London's highest infrastructure priority.

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

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and 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 this grant of planning permission, please email us at: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; 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](http://www.planningportal.gov.uk/cil).

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk)

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

## **Officer's Assessment**

### **1. Site Description**

The application is a two storey semi-detached dwelling located on the south eastern side of Tretawn Gardens within the Mill Hill ward. Due to the topography of the site, the properties are higher on the east. The change in ground levels is more evident from the front to the rear of the site, with the host property being sited at a higher level than the garden level.

### **2. Site History**

**Reference:** W06052

**Address:** 16 Tretawn Gardens London NW7

**Decision:** Approved subject to conditions

**Decision Date:** 30.04.1979

**Description:** Single storey side/rear extension.

### **3. Proposal**

The applicant seeks planning permission for the following development:

- Demolition of existing side and rear extension and erection of part single part two storey side and rear extension.
- Creation of basement level with rear access.
- Conversion of garage into habitable space.

At ground floor, the extension would have a depth of 7.1m across a width of 6.2m, near the boundary with no.18. At the other boundary the depth of the extension would be reduced by 3.7 m to match the existing rear elevation of no.14. The ground floor extension would have a flat roof with a height of 2.9m.

The side extension at ground floor would be sited at the boundary with no.14. The extension would have a false pitch roof at the front and flat roof at the rear to match the proposed rear extension.

The proposed rear terrace would project a further 1.2m from the proposed rear elevation and set 2m from the boundary with no.18 and 2m from the boundary with no.14. The applicant proposes screens on either side of the terrace to limit overlooking.

The basement would have an overall depth of 8.3m to match the outer level of the proposed terrace.

At first floor, the side extension would have a width of 1.9m and be sited 1m from the flank elevation of no.14. The roof of the main building would be increased by 0.2m and the roof of the side extension would match the height of the main roof.

The proposed first floor rear extension would have a depth of 2.1m and width of 4.1m. The first floor extension would be sited 1.2m from the flank elevation with no.18 Tretawn Gardens and 4.3m from the boundary with no.14 Tretawn Gardens. The roof of this extension would read as a subordinate addition given the lower ridge height.

At the front the applicant also proposes the re-levelling of the driveway by lowering it by approximately 0.2m. The proposed new brick wall will have a maximum height of 0.6m towards the property and 0.4m at the front of the site; this element would comply with the requirements of permitted development.

#### **4. Public Consultation**

Consultation letters were sent to 5 neighbouring properties.

17 responses have been received, comprising 15 letters of objection and 1 letter of support.

The objections received can be summarised as follows:

- Basement will disturb the water table and result in run-off to adjoining properties.
- Potential flooding to neighbouring properties
- Subsidence
- The area has a high water level
- Terrace will be deep into garden to the detriment of neighbours' amenities
- Overbearing first floor rear extension
- Greatly increase footprint of the house by 250%
- Adverse impact on appearance of streetscene
- Out of proportion with similar extensions in the area
- Depth of basement is excessive and will be highly visible
- Imposing design of ground floor extension
- Loss of privacy
- Overlooking into neighbours' gardens
- Loss of light
- Loss of garden
- Precedent for basement extensions in the area and borough
- History of groundwater flow problems
- Appearance of a three storey house at rear
- Overdevelopment
- Dormer windows would be out-of-character
- Increase in height would represent discontinuity in streetscene
- Neighbours on Sunnyfield (rear of site) were not consulted
- Eyesore for neighbours
- Similar scheme was refused on 5 Tretawn Gardens
- Removal of trees
- Basements are a departure from development in this area.
- Noise and smell during construction.
- Length of construction period
- Visually intrusive extensions
- Raising the ridgeline would disrupt the appearance of properties.
- Gap between properties would be less than 1m when measured from the chimney breast
- More than 50% of the garden taken up by concrete
- Building inconsistent with the form, scale and architectural style of the original building
- Bulky dormers

The letter of support received did not contain any comments. In addition, another letter of support was received however withdrawn shortly after.

#### **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.

## **5.3 Assessment of proposals**

Although the projection exceeds the recommended depth for detached dwellings, the proposed ground floor extension would match the existing projections of both neighbours and it is not considered that this would be out of character or visually intrusive given the context. In addition, the proposed terrace would be modest in its size and the details of the proposed screen would be conditioned to address concerns regarding overlooking. It is acknowledged that given the significant change in ground levels, there is naturally likely to be some level of overlooking into the gardens of neighbouring occupiers, however given the distance from mutual boundaries and modest depth, this is considered acceptable.

Given the difference in ground and garden levels, it is considered that the site lends itself to a basement/ lower ground floor accommodation and the principle of this element is considered to be acceptable. The proposed lower ground floor, due to its siting on the site would not result in detrimental levels of overlooking. The applicant has confirmed that the proposed plant room in the lower ground floor would contain the boiler and megaflo cylinder and a washing machine, and there would not be any external manifestations of mechanical equipment.

There are a wide array of extensions on Tretawn Gardens and it is not considered that the ground floor and basement extensions would be out of character.

At first floor level, the side extension would be sited 1m away from the boundary with no.14 (it would be 0.8m in distance from the chimney breasts); whilst the Residential Design Guidance SPD specifies that there should be a distance of 2m between flank walls, there are several examples of smaller gaps between properties on this section of the road including as approved at no.8 Tretawn Gardens (H/00792/14). As such the gap is considered to be acceptable. Furthermore, the Residential Design Guidance SPD also advises that side extensions should be recessed 1m from the front elevation; in this case,



a flush elevation would not be out of character particularly given the approved extensions within the vicinity. Amendments have been made to the scheme and the proposed ridge height has been lowered to match the height of the neighbouring property at 18 Tretawn Gardens. It is not considered that this would be detrimental to the streetscene.

The proposed first floor rear extension would not span the whole width of the property and due to the lowered ridge height, would read as subordinate feature. It is considered to be modest in depth and due to the distance between from both neighbouring occupiers, would not cause an unacceptable impact on the visual amenities of neighbouring occupiers.

The proposed side dormers are centrally located on the roofslope and in accordance with the Residential Design Guidance SPD specifying that dormers should be no more than half the width and half the height. The rooflight on the rear elevation would be small in size and centrally located on the roofslope.

The proposed garage conversion would not result in increased parking pressures on the road and as such is supported.

Finally, the changes to the ground levels to the front driveway are considered minor and would not be highly visible from the streetscene and there is existing hardstanding on the site.

#### **5.4 Response to Public Consultation**

The host does not lie within a Flood Risk zone (of any designation) or in a ground water protection zone in accordance with the Environment Agency maps. As such it is not considered that the development for the basement level would increase the risk of flooding. Furthermore, with regards to the comments regarding subsidence this is not a planning consideration; Building Regulations seek to ensure that any development is structurally sound.

The application referred to by one objector at 5 Tretawn Gardens (15/04184/RCU) was for a raised patio. It is considered that the relationship between this property and its neighbours, and the host property and the respective neighbours is very different. As such limited weight is given to this application which was refused. In addition, every case is assessed on its own merits.

The consultation for the development was in accordance with the statutory consultation process; the site at the rear immediately backs on to an allotment and not the properties on Sunnyfield; therefore the properties on Sunnyfield were not consulted.

It is considered that all the other comments raised by objectors have been addressed in the report above.

#### **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.

