

Location **1 Devonshire Crescent London NW7 1DN**

Reference: **16/0823/HSE** Received: 9th February 2016
Accepted: 9th February 2016

Ward: Mill Hill Expiry 5th April 2016

Applicant: Mr T Stovek

Proposal: Part single, part two storey side and rear extension following
demolition of existing conservatory

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan and Drawing Nos. 1DC-100, 101-A, 102-A, 103-A, 104-A.

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 Before the building hereby permitted is first occupied the proposed window at first floor level in the south flank elevation 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).

- 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 flank elevations of the extension hereby approved.

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. 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 provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.

Officer's Assessment

1. Site Description

The application site one of a pair of two storey, semi-detached dwellings, located on the southern side of Devonshire Crescent. Devonshire Crescent is characterised by pairs of semi-detached dwellings of a similar style. The attached neighbouring property is to the north of the site, and the rear gardens of Nos. 76-82 Devonshire Road are to the south of the site beyond a narrow access track.

2. Site History

None relevant.

3. Proposal

This application proposes a part single, part two storey side and rear extension following demolition of existing conservatory. The proposed extension would increase the width of the host dwelling by 1.4 metres, with the first floor element at the side set back 1m from the front wall. The extension would project 11.1m along the side of the building. At ground floor level it would project 3.5m beyond the rear of the existing building and at first floor level would project 3m beyond the rear. To the rear, the extension would form a single storey projection 7.2 metres wide (set a maximum of 1.2 metres from the southern side boundary). The first floor element would be 4m wide, and set 3.2m from the common boundary with the attached neighbouring property.

4. Public Consultation

This application was originally advertised as "*Part single, part two story side and rear extension following demolition of existing conservatory. Roof extension involving rear dormer window with 1no rooflights to front elevation to facilitate a loft conversion*". Consultation letters were sent to 12 neighbouring properties, and six letters of objection were received, making the following comments:

- Upper level extension will block light into garden, kitchen and patio to neighbouring property.
- Privacy will be compromised by new structure.
- Excavation works could compromise neighbouring properties.
- New build would not be within the character of other houses on the Crescent.
- Proposal may have party wall implications.
- Proposal will destroy the balanced view of the street.
- Roof extension is massive and out of proportion and outlook in relation to the original property.

In addition, Cllr John Hart has requested this application be referred to the Committee, and has raised the following objections:

- The proposed side and rear extensions, with loft extension, will convert a two-up, two-down semi-detached house into a five bedroomed dwelling of overbearing size in its context.
- The small rear gardens of Nos. 76, 78, 80 and 82 Devonshire Road will suffer loss of light, privacy and amenity owing to the bulk and height of the proposed development as it extends and fills the rear garden of No 1 Devonshire Crescent.
- Its semi-detached partner will be dwarfed, affecting the street scene negatively at the entrance to the crescent.

During the course of the application, amendments were made to reduce the size of the proposed extensions as follows:

- Reduce the width of the extension when viewed from the rear from 8.4m, to 7.2m.

- Reduce the depth of the first floor rear-projecting element from 3.5m to 3m.
- Extension to project parallel to the flank wall of the existing house, rather than tapering out to follow the line of the flank boundary.
- Remove the rear dormer window.

Following receipt of amended plans, the description of the proposal was changed to "*Part single, part two storey side and rear extension following demolition of existing conservatory*" and an additional public consultation period was opened. Any responses received to that consultation will be reported in an addendum to this committee report.

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 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

The proposed extension has been reduced in scale and massing since the originally submitted scheme. When viewed from the front, the proposed extension would have a limited width and would appear as a clearly subservient addition to the original dwelling. The extension would project rearward parallel to the flank wall of the original building, to ensure some space remains between the flank elevation and the flank boundary of the site. To the rear, the proposed extension would remain subordinate in width at first floor level. The proposed extension, having regard to its massing and design, would appear as an appropriate and subservient addition to the host building which would not detract from its original scale and appearance.

It is noted that to the south of the application site is a track providing access to the rear of properties which front Devonshire Road. This track ensures additional spacing and openness between the flank wall of the proposed extension and the side boundary, and ensures the resultant building would not appear cramped within its plot.

In terms of neighbour impact, the proposed extension would extend 3.5 metres beyond the rear of the original building at ground floor level adjacent to the attached neighbouring

property. This depth would comply with the Residential Design Guidance SPD and would not appear overbearing or visually intrusive when viewed from No. 2 Devonshire Crescent. The first floor element would have a depth of 3m and would be set 3.2m from the common boundary with the attached neighbouring property. As a result, the first floor element would not appear overbearing when viewed from No. 2.

The rear gardens of the properties fronting Devonshire Road are approximately 13m deep. The access track beyond is approximately 2m wide. Therefore the proposed extension would be at least 15 metres from the rear of properties fronting Devonshire Road. The majority of the proposed extension would be read against the bulk and massing of the flank elevation of the existing building, and therefore would not materially change the aspect from the rear of Nos. 80 or 82 Devonshire Road, or appear overbearing or visually intrusive when viewed from these properties. The first floor rear element would primarily be to the rear of No. 80. However it would appear as a subordinate element and would be approximately 17.5 metres rear of that neighbouring property. As a result of the distances involved, it is not considered that the proposal would appear overbearing or visually intrusive from this or any other neighbouring property.

No windows are proposed to be inserted in the flank wall of the extension facing No. 2 Devonshire Crescent. There would be two windows in the flank elevation, facing the rear of properties which front Devonshire Road. The first floor window would be obscure glazed. Subject to a condition restricting the insertion of any further windows in these flank elevations it is not considered that the privacy of neighbouring properties would be compromised.

5.4 Response to Public Consultation

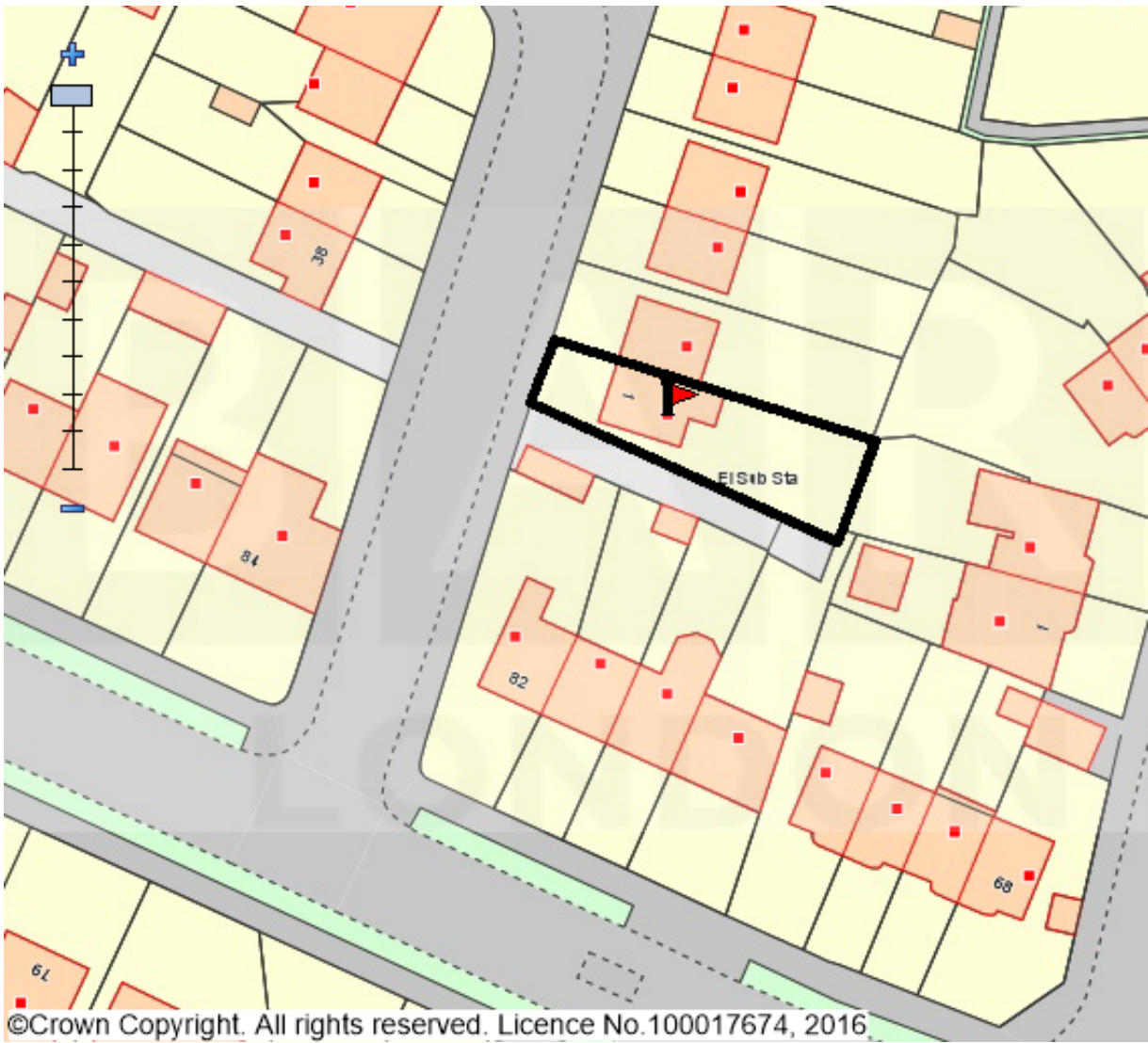
The objections raised are mostly addressed in the appraisal above. Comments in respect of the Party Wall act, or property prices, are not material planning considerations.

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.



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