

Location **26 Tretawn Gardens London NW7 4NR**

Reference: **16/0779/HSE** Received: 8th February 2016
Accepted: 10th February 2016

Ward: Mill Hill Expiry 6th April 2016

Applicant: Mr Lee Espinoza

Proposal: Two storey rear extension involving ground and first floor. Side/rear extension to existing basement, associated raised terrace to the ground floor rear with railing and steps to the rear garden

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 1537-4-P-EXTG Rev A, 1537-4-P-100 Rev A, 1537-4-P-101 Rev B and 1537-4-E-200 Rev B (Received 06-April-2016).

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 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 facing No. 24 Tretawn Gardens and No. 28 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).

- 5 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).

- 6 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).

- 7 The roof of the extension above the kitchen area of the upper ground rear 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).

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.

Officer's Assessment

1. Site Description

The application is a two storey 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: 16/1947/HSE

Address: 26 Tretawn Gardens, London, NW7 4NR

Decision: Approved subject to conditions

Decision Date: 22 April 2016

Description: Part lower ground floor, part two-storey rear extensions (Comprising of lower ground and ground floor levels). New garden terrace to lower ground floor

Reference: H/04729/12

Address: 26 Tretawn Gardens, London, NW7 4NR

Decision: Approved subject to conditions

Decision Date: 15 February 2013

Description: Part single storey rear extension

Reference: H/04728/12

Address: 26 Tretawn Gardens, London, NW7 4NR

Decision: Lawful

Decision Date: 29 January 2013

Description: Extension to roof including rear dormer window to facilitate a loft conversion.

Reference: W08185C/05

Address: 26 Tretawn Gardens, London, NW7 4NR

Decision: Refused

Decision Date: 8 February 2006

Description: Part single, part two storey rear extension.

Reference: W08185B

Address: 26 Tretawn Gardens, London, NW7 4NR

Decision: Refused

Decision Date: 14 March 1990

Description: Retention of two-storey side extension.

Reference: W08185A

Address: 26 Tretawn Gardens, London, NW7 4NR

Decision: Refused

Decision Date: 03 January 1990

Description: Retention of two-storey side extension with side eaves cut back to provide 150mm gap between the gutter and the gutter of the adjoining house.

Reference: W08185

Address: 26 Tretawn Gardens, London, NW7 4NR

Decision: Approved Subject to Conditions

Decision Date: 06 May 1987

Description: Two-storey side and single-storey front, side and rear extension.

3. Proposal

The applicant seeks planning permission for the following development:

'Two storey rear extension involving ground and first floor. Side/rear extension to existing basement, associated raised terrace to the ground floor rear with railing and steps to the rear garden.'

The lower ground floor extension would be situated adjacent to the existing lower ground store room and would measure 5.4m wide and 6.4m deep not projecting beyond the existing lower ground floor. The lower garden terrace which would give access to the rear garden would project beyond the basement by approximately 3.5m with a width of 8m.

The ground floor rear extension would measure 4.5m deep, 5.1m wide, 3.1m high to the top of the flat roof from the raised patio level (same as existing) and would be set away from the neighbouring dwelling at No. 28 Tretawn Gardens by 1.5m. The associated raised terrace beyond the proposed ground floor element would be set above the basement element having a depth of 1.9m, a width of 5.3m and a height of 2.5m with access steps setting the patio away from the neighbouring side boundary by approximately 1m.

The first floor rear extension would have a depth of 3m, a width of 4.5m and would be set away from the side boundary with No. 28 by approximately 0.7m. It would measure 6.6m high to the eaves from the lower ground floor level and 8.6m high to the top of the pitched roof. It would be set down from the main roof by 0.6m.

4. Public Consultation

Consultation letters were sent to 7 neighbouring properties.

6 No. responses have been received by way of objections

Speakers: 1No. person wishing to speak

The objections received can be summarised as follows:

- Water table will be disturbed and underground river flows in the area
- Foundation issues
- Loss of privacy
- Loss of character
- Effect on neighbouring amenities
- Out of proportion with similar extensions in the area
- Appearance of a three or four storey house at rear including loft

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 Government's 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

The current proposal follows approval for a 'Part lower ground floor, part two-storey rear extensions (Comprising of lower ground and ground floor levels). New garden terrace to lower ground floor' decided under planning reference 16/1947/HSE dated 22-April-2016.

Although the projection exceeds the recommended depth for detached dwellings, the proposed ground floor extension would not be as deep as the existing ground floor rear element at the proposal property or the neighbouring ground floor rear element at number 28 Tretawn Gardens. Therefore it is not considered that this would be out of character or visually intrusive given the context. In addition, the proposed raised rear terrace would be modest in its size including depth and would be no deeper than the neighbouring ground floor rear element at No. 28. 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 fact that the terrace would not project beyond the neighbouring rear extension, this is considered acceptable.

It was evident from the site visit that there is a difference in ground and garden levels. It is therefore considered that the extension to the existing lower ground floor would also be acceptable. The proposed lower ground floor, due to its siting on the site would not result in detrimental levels of overlooking. It is also considered that a similar ground floor and basement extension exists at No. 28 and therefore would not be out of character in the immediate vicinity.

The difference between the approved and current scheme is the addition of a first floor rear extension. The proposed rear first floor element would have a depth of 3m deep facing the side boundary with No. 28. The extension would be set away from this side boundary by almost 0.8m. Whilst the Residential Design Guidance SPD specifies that there should be a distance of 2m between flank walls, there are examples of smaller gaps between properties on this section of the road and it is considered that due to the existence of a ground and lower ground floor extension at the neighbouring property at No. 28 Tretawn Gardens, the proposed first floor extension would not have an adverse impact on the character of the immediate vicinity. It should be noted that due to the proposal property being set down in levels in comparison to the No. 28, it is not envisaged that there would be an adverse impact on the visual amenities of neighbouring occupiers.

It can be concluded that the proposed extensions by reason of its size, siting and design would be an acceptable addition to the proposal property and would not have an adverse impact on the character of the area or neighbouring amenities and would fall within planning policies. The application is therefore recommended for Approval, subject to conditions.

5.4 Response to Public Consultation

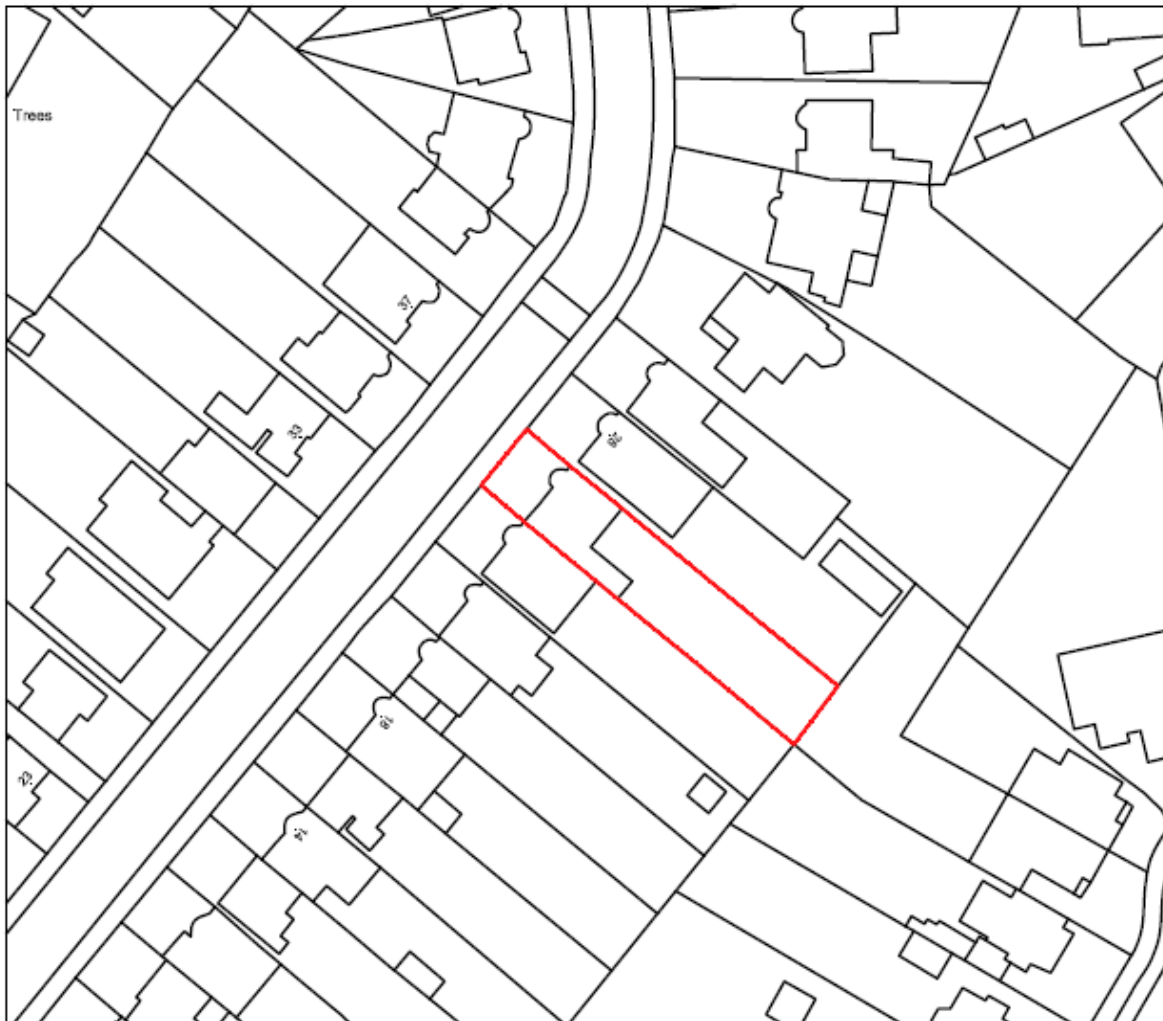
It is considered that most comments raised by objectors have been addressed in the report above. However, in relation to water issues, the host property does not lie within a Flood Risk zone (of any designation) or in a ground water protection zone in accordance with the Environment Agency maps. As such it is not considered that the development would increase the risk of flooding. Furthermore, with regards to the comments regarding foundation issues this is not a planning consideration; Building Regulations seek to ensure that any development is structurally sound.

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 the proposed extensions would have an acceptable impact on the neighbouring amenities, character and appearance of the application site and the locality. This application is therefore recommended for Approval.



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