

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

**Reference:**                **16/1444/HSE**

Received: 4th March 2016

Accepted: 7th March 2016

Ward:                        Mill Hill

Expiry 2nd May 2016

Applicant:                 Mr L Gainsley

Proposal:                    Demolition of existing ground floor side and rear extension and erection of part single, part two storey side and rear extensions. Conversion of garage into habitable space. Construction of a new crown roof including increase in ridge height one dormer to each side elevation and 1no rooflight to the rear elevation.

**Recommendation:** Approve subject to conditions

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: Planning Statement Ref CA/2936; Design and Access Statement Rev B; Daylight and sunlight report ref JC/LSF/10912 by BVP; Planning Schedule of Areas; Drawing no. 000; Drawing no. 001; Drawing no. 010; Drawing no. 011; Drawing no. 012; Drawing no. 013; Drawing no. 022; Drawing no. 024; Drawing no. 030; Drawing no.210 Rev A; Drawing no.211 Rev A; Drawing no.212 Rev A; Drawing no.223 Rev A; Drawing no.220 Rev A; Drawing no.222; Drawing no.224; Drawing no.230; Drawing no.232 Rev B; Drawing no.240.

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 the commencement of the development hereby approved a Construction Management and Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and constructed in full accordance with the details approved under this Plan. This Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;

- iii. details of the measures to be implemented to manage the construction of the basement and minimise the impact of this process on the amenities of neighbouring occupiers and ground and surface water conditions in the area.
- iv. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- v. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- vi. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vii. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- viii. noise mitigation measures for all plant and processors;
- ix. details of contractors car parking arrangements; and
- x. details of interim car parking management arrangements for the duration of construction.

Reason: To ensure that the construction of the proposed development does not prejudice the amenities of occupiers of neighbouring properties and ground and surface water conditions in the area and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 9 Prior to the commencement of the development or any works associated with this consent starting on site full details (including details of the existing ground conditions and ground water levels) of the measures that the development would include to prevent the development resulting in unacceptable impacts on drainage and ground and surface water conditions in the area shall be submitted to and approved in writing by the Local Planning Authority. The development hereby consented shall be implemented in full accordance with the details approve under this condition prior to its being occupied or brought into use.

Reason: To ensure that the proposed development does not result in unacceptable impacts on drainage and ground and surface water conditions in the area and to comply with policies CS13, DM01 and DM04 of the Barnet Local Plan.

- 10 a) No site works (including any temporary enabling works, site clearance or demolition) or development shall take place until details of temporary tree protection measures to be implemented at the site have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection measures approved under this condition have been erected around existing trees in full accordance with the details approved under this condition. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these protected areas at any time.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2015.

**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 site 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: W06052

Address: 16 Tretawn Gardens London NW7

Decision: Approved subject to conditions

Decision Date: 30.04.1979

Description: Single storey side/rear extension.

Reference: 15/07849/HSE

Address: 16 Tretawn Gardens London NW7

Decision: Approved subject to conditions

Decision Date: 04.02.2016

Description: 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.

Reason for refusal: The proposed extensions would, by reason of their design, size, scale, bulk and mass, collectively fail to represent subordinate additions to the host property that respect its original design and the proportions of the original building and which overly dominate the property and constitute an overdevelopment of the site, to the detriment of the character and appearance of the individual property and wider area.

### **3. Proposal**

The applicant seeks planning permission for the following development:

- Demolition of existing ground floor side and rear extension and erection of part single, part two storey side and rear extensions.
- Conversion of garage into habitable space.
- Construction of a new crown roof including increase in ridge height one dormer to each side elevation and 1no rooflight to the rear elevation.

At ground floor, the extension would have a depth of approximately 7.2m 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 3.2m from the proposed raised terrace (SW elevation).

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 2.15m from the boundary with no.14. The applicant proposes screens on either side of the terrace to limit overlooking.

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.

At first floor, the side extension would have a width of 1.7m and be sited 1m from the flank elevation of no.14 (measured from the chimney breast or 1.2m from the main wall). 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 1.6m 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. 16 responses have been received, comprising 12 letters of objection and 4 letters of support.

The objections received can be summarised as follows:

- The objections do not respond to any of the objections raised in the refusal. (design, size, bulk and mass).
- Removal of the basement does not address objections.
- Proposal virtually unchanged except for removal of doors on rear elevation
- Three storey extension which is out of character
- Massively dominant and overdevelopment
- Impact on building lines
- Siting of garage at no.18 is an anomaly on street and should not be replicated.
- Set precedent
- Noise and dust from construction
- Disputes between neighbours- Human rights to privacy
- No.27 is out of character and opposite and therefore cannot provide a valid reference.
- Terrace will project beyond no.18 garage, at an elevated level- loss of privacy
- Steps will facilitate overlooking
- Remaining garden will be out of proportion with dwelling
- Visible cubic area increased with widening of first floor extension
- Damage to neighbouring property value
- Overbearing structure on neighbouring gardens/ unsympathetic
- Extension out of proportion with existing dwelling
- Existing garage is an original structure with limited foundations
- No objection to principle of extending however not to this scale
- Information regarding the description of the context of the site inaccurate in Apcar Smith report
- Proposed extension is a new trend of development on Tretawn Gardens.
- Comments regarding gaps between properties inaccurate.

- Side window could be obscured glazed however when it is opened would still allow visibility
- Council should specify that there should be no further extension on the property.
- Increase of 200%
- Disturbances of waterflow and potential flooding to neighbouring properties
- Highly visible from Sunnyfield and trees should be planted
- Comments by supporters inaccurate
- Extension with balcony makes it deeper than no.18

The letters received in support can be summarised as follows:

- No detrimental impact on neighbours
- Similar to other houses on the road
- Extensions would not be detrimental to streetscene.
- Dormer windows are standard on road
- Display of NIMBYism
- Raising the ridge by 200mm cannot represent overbearing development
- Not a "200% increase" but 83%- inaccurate and misinformed objections
- Depth of extension is as deep as that of its neighbour at no18
- Refusal of this application would only lead to appeal applications.
- Proposed extension no larger than development at no.8, 10, 17 and 27.

## **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, CS9, CS13.
- Relevant Development Management Policies: DM01, DM02, DM04, DM17.

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 scheme has been amended from the previously application refused by the Planning Committee in February 2016 (originally the application was recommended for approval by case officers) through the removal of the lower ground floor, the reduction in the depth of the first floor rear extension, and reduction in the width of the first floor side extension.



Although the projection exceeds the recommended depth for detached dwellings, the proposed ground floor extension would match the existing extension of no.14 and the position of the original garage of no.18. It is therefore 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 as previously accessed by officers in the last application, given the distance from mutual boundaries and modest depth, this is considered acceptable. There are a wide array of extensions on Tretawn Gardens and it is not considered that the ground floor would be out of character.

At first floor level, the side extension would be sited 1m away from the boundary with no.14 from the chimney breasts reducing the width of extension previously submitted; 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. 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.

The proposed first floor rear extension would not span the whole width of the property and would not project as much as the last application (reduction of 0.5m) due to the lowered ridge height and would read as subordinate feature. It is considered to be modest in depth and due to the distance from both neighbouring occupiers, (and as previously assessed) it 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.

Officers consider that the removal of the lower ground floor has significantly reduced the amount of development on the site. In addition, the first floor side extension has been reduced in width and at the rear the depth of the first floor extension has also been reduced. The information submitted by the applicant indicates that there has been a reduction of 60.5sqm (albeit mainly as a result of the removal of the lower ground floor which formed part of the previous application). It is considered that the amendments to the scheme compared to the proposal refused have addressed the previous concerns in terms of size, scale, bulk and mass. With regards to the design, whilst the proposal is the same in terms of design to the refused scheme, it is not considered that this would be out of character with other properties on Tretawn Gardens. The proposed extensions are considered to be subordinate and would not represent an overdevelopment of the site.

The sunlight and daylight assessment concludes that that the both neighbouring properties would continue to benefit from "long periods of average probable sunlight hours" and as such there would be no adverse effect on the daylight and sunlight of both 14 and 18 Tretawn Gardens.

For the reasons above, approval of the application is recommended.

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

"Removal of the basement does not address objections"- Since the consultation has ended, the side extension has been set 1m away from the side elevation (rather than 0.8m than original submitted) and the width of the first floor extension has been reduced.

"Set precedent", "No.27 out of character", "Proposed extension is a new trend of development on Tretawn Gardens"- Every case needs to be assessed on its individual merits and the proposal is found to be acceptable.

"Noise and dust from construction"- A condition is recommended to restrict the hours of construction and to manage the construction related impacts of the proposal.

"Terrace will project beyond no.18 garage- loss of privacy"- The terrace will be sited away from both boundaries and there will be a privacy screen (details required as a part of a recommended condition); as such it is not considered that this would have adverse effect of the privacy of neighbouring occupiers. It is accepted that given the siting of the properties on this section of the road in relation to the gardens set at a lower level, there is likely to be some level of overlooking. The access steps although sited along the boundary would be sited at a higher level than the neighbours' garden however it is not considered that this would result in an unacceptable level of overlooking.

"Remaining garden will be out of proportion with dwelling"- The reduction in the area of garden resulting from the proposal is not considered to be unacceptable and would not warrant a refusal of planning permission. In addition, there would be approximately 90sqm of garden space remaining.

"Damage to neighbouring property value"- This is not a material planning consideration.

"Overdevelopment"- The proposed works, on balance, are not considered to result in an overdevelopment of the site.

"Existing garage is an original structure with limited foundations not an extension"- this has been amended in the report for clarity.

"Comments regarding gaps between properties inaccurate"- there are other examples on the road where the gaps between dwellings are small. Notwithstanding this, the amended scheme has been reduced so that a 1m gap is retained from the adjoining dwelling (previously 0.8m).

"Side window could be obscured glazed however when it is opened would still allow visibility"- The drawings indicate the dormer window facing no.14 will be obscured glazed; this door serves a staircase. It has been conditioned that this retained as obscured glazed.

"Council should specify that there should be no further extension on the property"- The application has to be assessed as currently submitted and officers cannot prevent further future submissions.

"Disturbances of waterflow and potential flooding to neighbouring properties" - 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 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.

"Highly visible from Sunnyfield and trees should be planted" - The site at the rear immediately backs on to an allotment and not the properties on Sunnyfield.

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.

