

**Location**                      **Tudor Court 2 Crewys Road London NW2 2AA**

**Reference:**                      **16/0639/FUL**                      Received: 2nd February 2016  
Accepted: 3rd February 2016

Ward:                              Childs Hill                              Expiry 30th March 2016

Applicant:                        Mr J Frankel

Proposal:                         Mansard roof extension to form 1no self contained flat

**Recommendation:** Approve subject to conditions

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, EWG\_003\_102, EWG\_003\_103, EWG\_003\_104, EWG\_003\_105, EWG\_003\_400 REV C, EWG\_003\_401 REV E, EWG\_003\_402 REV E, EWG\_003\_403 REV A, EWG\_003\_404 REV A and EWG\_003\_405 REV 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 shown on the approved plans.

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 area located on the north east corner and facing No.713 Finchley Road 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 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 elevation facing No.713 Finchley Road.

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. 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 site property is Tudor Court; a four storey detached building located on the corner of Cricklewood Lane and Finchley Road and occupies a significantly prominent position in the street scene of both roads due to its height and changes in level in the surrounding area.

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

### **2. Site History**

Reference: 15/06962/FUL

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Refused

Decision Date: 15 January 2016

Description: Mansard roof extension to form 1no self-contained flat

Reference: F/03127/14

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Withdrawn

Decision Date: 15 August 2014

Description: Two-storey side extension to provide two self-contained flats.

Reference: F/03198/14

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Refused

Appeal status: Allowed

Decision Date: 15 August 2014

Description: Two-storey side extension to provide 6 self-contained flats.

Reference: F/05718/13

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Refused

Appeal status: Allowed

Decision Date: 11 February 2014

Description: Two storey extension to provide 6no. studio flats.

Reference: F/04046/12

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Approved subject to conditions

Decision Date: 10 June 2013

Description: Extension to roof including new mansard roof to create 3no. self-contained residential units. New cycle store to ground floor level.

Reference: F/03629/10

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Refused

Decision Date: 13 May 2011

Description: Formation of 6 no. studio units: 3 at ground floor level (Crewys Road Elevation), 2 above shops at second floor level (Cricklewood Lane Elevation), 1 at third floor level (Cricklewood Lane Elevation). (OUTLINE APPLICATION)

Reference: C01482B/07

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Refused

Appeal status: Allowed

Decision Date: 1 August 2007

Description: Mansard roof extension to provide three new residential units with associated extended parapet and cornice, walkway and guard rail and roof terraces. Cycle store.

### **3. Proposal**

The application seeks permission for a mansard roof extension to form 1no self-contained flat. The application also includes a terrace area to provide outdoor amenity space.

### **4. Planning Considerations**

#### **4.1 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 March 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, CS4, CS5, CS9, CS15.

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, 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.

#### Planning Obligations SPD (April 2013)

### **4.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether the principle of residential units including the density of the development is appropriate for the area;
- Whether the proposal will provide suitable accommodation for future occupiers;
- Whether harm would be caused to the living conditions of neighbouring residents;

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether the proposals would have an acceptable impact on highway and pedestrian safety

### **4.3 Assessment of proposals**

Further to the previous Finchley and Golders Green Area Planning Committee, the item was deferred to the following meeting due to allow for members of the committee to visit the site.

A previous scheme was refused planning permission (15/06962/FUL) for the reason that the proposed unit, by reason of its siting and orientation would create unacceptable levels of overlooking and loss of privacy to the occupiers of 713 High Road, to the detriment of the amenity of the occupiers of this property. The owners of no. 713 High Road would also overlook the proposed unit and therefore also leading to a loss of privacy. The application is therefore unacceptable and contrary to policies CS NPPF, CS1 and 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 in the Barnet Residential Design Guidance Supplementary Planning Document (2013).

The main changes with this present application include the alterations to the fenestration, the relocation of the terrace on the west side of the flat and the addition of a glazed canopy above the terrace.

#### Whether the principle of residential units including the density of the development is appropriate for the area

As the existing building is a block of flats, the principle of one additional unit in this location is considered acceptable.

#### Whether the proposal will provide suitable accommodation for future occupiers

Space standard

The following unit is proposed:

2 bedroom 4 person            77m<sup>2</sup>

With regard to the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan (July 2015), the unit exceeds the requirement. All internal rooms would exceed Barnet's minimum size requirements set out in its Sustainable Design and Construction SPD and would provide future occupiers with a good standard of living.

Amenity space

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m<sup>2</sup> per habitable room (definition of a habitable room is set out in the glossary including the maximum size considered before a room is counted as two (20 sqm). The proposed roof terrace would meet this requirement with no appreciable overlooking of neighbouring residents.

Daylight, Privacy and Outlook

All habitable rooms are considered to benefit from sufficient light and outlook to provide future occupiers with a good standard of living which meet the requirements set out in Barnet's Sustainable Design and Construction SPD (2012).

Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

An extant planning permission exists for 3 flats located on the same roof (F/04046/12) but fronting Cricklewood Lane and Crewys Road. The proposed unit would be set back 1.3 metres from the exterior façade, which is similar to the setback of the previous approved scheme sited above. It should also be noted that the windows have been positioned so as to prevent any overlooking or loss of privacy in the event both schemes are constructed simultaneously.

Whether harm would be caused to the living conditions of neighbouring residents

Policy DM01 of Barnet's Development Management Policies include makes explicit reference to protecting amenity and specifically that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users. This point is also supported by Barnet's Sustainable Design and Construction SPD which states that 'in new residential development there should be a minimum distance of 21 m between properties with facing windows to habitable rooms to avoid overlooking.'

The closest property near Tudor Court is No.713 Finchley Road; a 7 storey building including residential units located between 6 to 10 metres away. The proposal, as amended, does not include any windows facing No.713 Finchley Road. The proposed terrace located on the east side corner was removed and a balustrade of 1.1m high would be installed on the north-east corner to prevent any access to this area other than for repair and maintenance purposes. In addition, the proposed terrace would be relocated on the west side of the unit and a glazed canopy would be sited above to prevent any overlooking to and from no.713 upper floors.

It is considered that the proposal has overcome the previous concerns regarding overlooking and loss of privacy between the rear facing habitable room windows of no. 713 Finchley Road and those of the application property and would not have harmful impacts on the visual and residential amenities of these neighbouring occupiers.

Whether the proposals would have an acceptable impact on highway and pedestrian safety

It is not considered that the proposals would harm highway or pedestrian safety.

## **5. Public Consultation**

Consultation letters were sent to 175 neighbouring properties.

A site notice was erected on 11/02/2016

10 responses have been received, comprising 10 letters of objection

Neighbours Wishing To Speak 2

The objections received can be summarised as follows:

- Loss of privacy / overlooking
- The proposal would not enhance the neighbourhood and will not benefit the community and council
- Loss of outlook
- Loss of light
- Loss of view
- Loss of property value

The objections raised by objectors are noted. In regards to the proposal resulting in being detrimental to the neighbourhood, the proposal, as amended, is considered to be an acceptable addition to the host property. As such, it is not considered that it will be detrimental to the outlook of the surrounding area or be harmful to the residential amenities of the neighbouring occupiers with regards to loss of light, loss of privacy or overlooking.

Loss of view and loss of property value are not a material planning consideration therefore they do not constitute a basis on which to refuse this application.

## **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.



