

Location **39 Sydney Grove London NW4 2EJ**

Reference: **16/2504/HSE** Received: 15th April 2016
Accepted: 18th April 2016

Ward: Hendon Expiry 13th June 2016

Applicant: Dr Gideon Lipman

Proposal: Demolition of existing single storey rear extension and erection of part single part two storey rear extension. Rear and side dormer with 1 no. rooflight to side to facilitate loft conversion

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

16-0413-04 A, 16-0413-05 A, 16-0413-06 A (received: 26/05/2016)
15-1017-001, 16-0413-01, 16-0413-02, 16-0413-03 (received: 18/04/2016)

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 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).

- 5 The use of the extension hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit or dwelling.

Reason: To ensure that the development does not prejudice the character of the locality and the 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 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 detached property situated on the northern side of Sydney Grove, which lies within the Hendon area. Sydney Grove is predominantly characterised by large semi-detached properties comprised of a mix of single dwellings and flats; with large gardens to the rear.

The property is not listed, it does not lie within a conservation area, and there are no specific restrictions on site.

2. Site History

Reference: 15/07208/PNH

Address: 39 Sydney Grove, London, NW4 2EJ

Decision: Prior Approval Required and Refused

Decision Date: 16 December 2015

Description: Single storey rear extension with a maximum depth of 7 metres from the original rear wall. Eaves height of 2.8 metres and maximum height of 3 metres

Reference: 15/07811/PNH

Address: 39 Sydney Grove, London, NW4 2EJ

Decision: Prior Approval Required and Refused

Decision Date: 21 January 2016

Description: Single storey rear extension with a maximum depth of 6.5 metres measured from the original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: 15/07812/PNH

Address: 39 Sydney Grove, London, NW4 2EJ

Decision: Prior Approval Required and Refused

Decision Date: 21 January 2016

Description: Single storey rear extension with a maximum depth of 6.5 metres measured from the original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: 15/07813/PNH

Address: 39 Sydney Grove, London, NW4 2EJ

Decision: Prior Approval Required and Refused

Decision Date: 21 January 2016

Description: Single storey rear extension with a maximum depth of 6.5 metres from the original rear wall on the east side and 4 metres on the west side (stepping in 1.3 metres), with a maximum height of 3 metres.

Reference: 15/07814/PNH

Address: 39 Sydney Grove, London, NW4 2EJ

Decision: Prior Approval Required and Approved

Decision Date: 22 January 2016

Description: Single storey rear extension with a maximum depth of 6.5 metres from the original rear wall on the east side and 4 metres on the west side (stepping in 1.36 metres), with a maximum height of 3 metres.

Reference: 16/1200/192

Address: 39 Sydney Grove, London, NW4 2EJ

Decision: Lawful

Decision Date: 15 April 2016

Description: Single storey rear extension. Rear and side dormer to facilitate a loft Conversion

3. Proposal

The applicant seeks planning permission for

- Demolition of existing single storey rear extension and erection of part single part two storey rear extension.
- Rear and side dormer and 1 no rooflight to side to facilitate loft conversion.

The first floor element will have a depth of 3m and set in with 2m from the boundaries with no 37 and 41 Sydney Grove.

4. Public Consultation

Consultation letters were sent to 17 neighbouring properties.

9 letters have been received comprising 9 letters of objections summarised as follows:

- the proposal will form a precedent and will be uncomfortable for the neighbouring properties
- the first floor element detrimental impact, will block the light and view to the neighbouring properties and also invade their privacy
- the proposal will be contrary to the right to light and right to vista
- the scale and mass of the proposed development will impact the neighbouring properties and will have an overbearing effect
- overdevelopment
- contrary to policy
- noise, disturbance and impact on traffic from the building works
- no BRE daylight and sunlight study in order to support the proposal

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 2016

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 item was deferred from the June meeting as the Committee was not able to hear the item.

The proposals seek to combine the proposals granted a certificate of lawfulness previously (Ground floor rear extension and roof extensions) as well as constructing a first floor rear extension. Parts of the proposed development such as the roof extension and the ground floor extension have previously received a lawful decision under the Certificate of Lawful Development 16/1200/192 as follows:

-The proposed single storey rear extension projects on the full width of the detached property and will have maximum depth of 6.5 metres from the original rear wall on the east side and 4 metres on the west side (stepping in 1.36 metres), with a maximum height of 3 metres.

- Roof extensions comprising side and rear dormer windows.

The proposals comprise part single, part two storey rear extensions and roof extensions.

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

Numerous properties along Sydney Grove have been extended benefitting from their permitted development rights as householders or through a formal planning application. As such, the character of the area is mixed in terms of alterations to the properties and it is considered that the proposed extensions will not harm the character or the streetscene.

It should be noted that the roof extensions and single storey rear extension could be constructed separately under permitted development.

The proposals as a matter of fact require planning permission as they are to be constructed in their entirety. However the only part of the proposals that does not benefit from some kind of consent is the first floor rear extension.

It is still necessary to consider whether the proposed extensions would be acceptable in terms of their impact on the character and appearance of the area cumulatively. Taking into account that the applicant could construct the ground floor extension and roof extension without planning permission, and then apply for the first floor extension; on

balance, It is therefore not considered that the proposals would harm the character and appearance of the general locality or site property.

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

The neighbouring property at no 37 has a 3m deep ground floor extension. The property is situated at a distance of 1m from the application property.

The neighbouring property at no 41 has a 4.13m deep ground floor extension, previously approved under the planning application H/01618/11.

Through negotiation with the applicant the first floor element has been further reduced in width by being set in from the boundary with no 41 Sydney Grove with 2m and 1m from property's side wall towards the no 37 Sydney Grove. Subsequently there will be a gap of approximately 2m between the application property and the one at no 37.

The officers have assessed the impact of the proposed scheme in terms of loss of light and loss of outlook on to the neighbouring properties, and due to the proposal's scale and dimensions it is not considered that it will significantly affect them, as such it is considered acceptable. It is not considered that the extensions would appear overbearing or create harmful sense of enclosure.

Considering the revisions, the scale and massing of the proposed first floor element, will not cause significant impact of the proposal on the neighbouring properties, and therefore is considered acceptable.

Cumulatively, the proposals would comply with the aforementioned policies and guidance and would be a proportionate addition to the dwellinghouse. It would have an acceptable impact on the character and appearance of the street scene, site property, general locality and the residential amenity of neighbouring occupiers.

5.4 Response to Public Consultation

-the proposal will form a precedent and will be uncomfortable for the neighbouring properties: every application is assessed on its own merits

-the first floor element detrimental impact, will block the light and view to the neighbouring properties and also invade their privacy: addressed in the proposal's assessment

-the proposal will be contrary to the right to light and right to vista: The right to a particular view is not a material planning consideration and therefore they cannot form a reason for refusal. Loss of light is addressed in the main report.

-the scale and mass of the proposed development will impact the neighbouring properties and will have an overbearing effect: addressed in the proposal's assessment

-overdevelopment: addressed in the proposal's assessment

-contrary to policy: addressed in the proposal's assessment

-noise, disturbance and impact on traffic from the building works: Disturbance from building works are not a material planning considerations and therefore they cannot form a reason for refusal

-no BRE daylight and sunlight study in order to support the proposal: There is no requirement for householder planning applications to provide daylight and sunlight assessments. A neighbouring resident has provided a letter from a consultant in relation to rights to light. These are a civil legal matter between residents and the Local Planning Authority cannot involve itself in this. Officers have made their own professional judgement

and consider that the impact on neighbouring daylight and sunlight is acceptable. The rear garden faces north-west and any loss of light is considered to be limited.

The occupier of the neighbouring property at no.37 has provided an additional letter from a consultant in respect of daylight and sunlight. This states, in the view of the consultant that the proposals breach the 25 degree test in respect of the BRE (Building Research Establishment) Guidance. The letter requests that no decision in favour of the application is made by the Committee until the applicant instructs their surveyor to undertake the computer calculations in order to determine the precise impact to no.37 property. The letter makes reference to the impact on the high level side windows of the conservatory at no.37.

Officers accept that there may be a degree of loss of sunlight to the conservatory. However, the conservatory would continue to enjoy good outlook from the rear windows. In the professional opinion of officers the impact on the occupiers of no.37 would not be materially harmful.

Daylight and sunlight assessments are not required for householder extensions. To require one from the applicant would be unduly onerous and unnecessary in the view of officers. It is noted that a letter from a consultant has been provided by the applicant however this does not provide specific advice and officers have given this little weight in their recommendation. In the view of officers there are no grounds to defer the item as a result.

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.

