

**Location**                    **44 Pattison Road London NW2 2HJ**

**Reference:**                **16/4853/RCU**                    Received: 21st July 2016  
Accepted: 2nd August 2016

Ward:                        Childs Hill                            Expiry 27th September 2016

Applicant:                 Mrs Li

Proposal:                    Erection of a single storey timber framed orangery. (Retrospective Application)

**Recommendation:** Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 9001 EXIST, 9001 and Site Location Plan.

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).

**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 semi-detached property situated on the southern side of Pattison Road, a residential street which lies within the Childs Hill ward.

The applicant property is not listed nor located on land designated as Article 2(3) (Conservation Area). There exist no outstanding conditions on the applicant property which might limit development. There are no protected trees on or adjacent to the site.

### **2. Site History**

Reference: 14/07473/RCU

Address: 44 Pattison Road, London, NW2 2HJ

Decision: Withdrawn

Decision Date: 19 December 2014

Description: Retention of rear extension as built

Reference: F/05816/14

Address: 44 Pattison Road, London, NW2 2HJ

Decision: Insufficient Fee

Decision Date: No Decision Made.

Description: Erection of a roof lantern with a wider width than that as per prior approval not required application F/03280/14.

Reference: F/02829/14

Address: 44 Pattison Road, London, NW2 2HJ

Decision: Withdrawn

Decision Date: 25 June 2014

Description: Single storey rear extension with a proposed depth of 5.980 metres from the original rear wall. Eaves height of 2.980 metres and maximum height of 3.845 metres.

Reference: F/02270/14

Address: 44 Pattison Road, London, NW2 2HJ

Decision: Withdrawn

Decision Date: 20 May 2014

Description: Single storey rear extension with a proposed depth of 5.980 metres from the original rear wall. Eaves height of 2.980 metres and maximum height of 3.846 metres.

Reference: F/05815/14

Address: 44 Pattison Road, London, NW2 2HJ

Decision: Application Received

Decision Date: No Decision Made.

Description: Erection of a roof lantern with a wider width than that as per prior approval not required application F/03280/14.

Reference: F/03280/14

Address: 44 Pattison Road, London, NW2 2HJ

Decision: Prior Approval Not Required

Decision Date: 16 July 2014

Description: Single storey rear extension with a proposed depth of 5.980 metres from the original rear wall. Eaves height of 2.938 metres and maximum height of 3.657 metres.

Reference: C17015/07

Address: 44 Pattison Road, London, NW2 2HJ

Decision: Approved

Decision Date: 17 April 2007

Description: Retention of fence and trellis at section of boundary with no.46. Retention of trellis at section of boundary with no.42. New side gate and close board panel above.

### **3. Proposal**

This application seeks retrospective consent for the erection of a single storey timber framed orangery. (Retrospective Application)

The proposed orangery is shown on the plans to be 5.980metres deep, 3.5metres wide and of 4.2metres in total height, measured from the lawn level. It sits on an existing patio which is raised approximately 0.7metres from the lawn level and it has a rooflight of approximately 0.9 in height.

The applicant has previously applied to extend using the property's permitted development rights through the Prior Approval process, and as such under the reference number F/03280/14 Prior Approval was Not Required for '*Single storey rear extension with a proposed depth of 5.980 metres from the original rear wall. Eaves height of 2.938 metres and maximum height of 3.657 metres* dated 16/07/2015.

### **4. Public Consultation**

5 consultation letters were sent to neighbouring properties.

6 responses have been received, comprising 6 letters of objection.

The concerns referring to the proposal on the objection letters can be summarised as follows:

- Out of character with properties and property extensions on that part of Pattison Road;
- Harmful impact on the outlook from neighbouring properties;
- Loss of light indoors and outdoors affecting neighbouring amenities;
- Loss of privacy at neighbouring properties due to size of windows/ glazing surface of the extension;
- Breach of planning and creation of a harmful precedent for neighbours and area;
- Not in accordance with Residential Design Guidance SPD (April 2013);
- Lack of subordination to the design of the original building;
- Materials not matching with original building;
- Overdominant;
- Visually obtrusive.

Other / internal consultation

London Borough of Camden was consulted but no replies were received.

### **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 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 the implementation of air conditioning units 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)  
Sustainable Design and Construction SPD (adopted April 2013)

- Provide 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.

A similar development was considered under the previous Prior Notification of a Larger Home Extension application (reference number F/03280/14). The development built on site however does not conform to the plans submitted with that application and what has been built is therefore not lawful. As such, planning permission is required for the development that has been implemented. The present application drawings show the development that has been built, as identified by Officers during a site visit carried out on the 23rd of September, although the maximum depth of the as built extension measures 6.1metres, rather than the 5.98metres indicated on the drawing.

The historic maps and the satellite images from Bing Maps of the surrounding properties suggest that the property had benefitted from a rear extension previously, which was rendered whilst the property appear to be made of bricks. The images also show the extension was already built over a raised patio of approximately the same height as the one which was identified during Officer's site visit.

Although the ground level is sloping to the rear of the property and the overall height of the orangery is 4.221metres from the lawn level of the rear garden, it is considered the extensions would not look obtrusive and would not appear overbearing when seen from neighbouring properties.

In addition, the closest property to the extension is the one at no. 46 Pattison Road, which has a ground level approximately 0.7metres higher than no. 44, as perceived from the street and extends considerably further rearwards than the application site. Due to this siting and the massing of the existing orangery, Officers also do not consider it is causing loss of light or privacy to the adjoining neighbours.

Although the level of neighbouring property at no. 42 Pattison Road is approximately 0.7metres lower, by being approximately 4metres distant from the side boundary to this property, it is considered that the orangery would not cause any detrimental impact on the amenities of the occupiers of that property , in reference to any loss of light and privacy.

It is noted that a few neighbouring properties benefit from rear extensions, including properties at nos. 42 and 40 Pattison Road. As perceived from the rear garden of those properties, the extension would not project further than the adjoining neighbours, which shows the proposal is in keeping with the character of the area.

The overall size, massing and scale of the orangery shows it to be subordinate to the original house, as perceived on site and through the submitted drawings. Also, the colour and design of the windows are in harmony with the existing house, and they are not considered to be detrimental to the character of the building. Similar finishing for rear extensions, as well as the adoption of different materials from the existing houses can also be found within the rear extensions in the neighbouring area, which shows the proposal is

in accordance and would not cause any harmful impact to the character of the existing property or the wider area.

Overall, the proposal would comply with Barnet's Residential Design Guidance and would be a proportionate addition to the existing property. It is considered that the extensions would have an acceptable impact on the residential amenity of neighbouring occupiers and its character and appearance would have no impact at all on the street scene.

### **5.3 Comments on the grounds of objection**

Concerns have been expressed about the erection of the rear extension being a breach of planning and its retention being the creation of a harmful precedent for neighbours and the area. However, each case must be considered on its merits, irrespective of whether the development has already been implemented. In terms of setting a precedent, other similar extensions are found in the area and given the limited width of the extension and its relationship to neighbouring properties, the extension is considered to accord with Barnet's Design Guidance. Applications for extensions to other properties would be considered on the basis of the merits of the case, taking into account the relationship to adjoining properties.

All the other concerns were addressed on the above comments.

### **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 retention of the extension as built is compliant to the described policies and guidelines. This application is therefore recommended for APPROVAL.

# Site Location Plan

