

**Location**                      **188 Nether Street London N3 1PE**

**Reference:**                      **17/0150/HSE**

Received: 11th January 2017

Accepted: 11th January 2017

Ward:                              West Finchley

Expiry 8th March 2017

Applicant:                      Mr Shanaka Katuwawala

Proposal:                      Part single, part two storey side extension following demolition of existing garage. Single storey rear extension to have a new bay window. New raised terrace. Roof extension involving rear dormer window with juliette balcony, rooflights to front and rear elevations to facilitate a loft conversion (Amended description)

**Recommendation:** Approve subject to conditions

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: Drg.no.188NS-PP-01 Rev A and Drg.no.188NS-PP-02 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 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).

- 4     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).

- 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.

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 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing no.186 shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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) and the Residential Design Guidance SPD (adopted April 2013).

**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 site is a semi-detached dwelling house on the north west side of Nether Street, its rear boundary backs onto Cedar Court, The Drive, N3 1AE.

It is not in a conservation area and is not a listed building.

### **2. Site History**

Reference: 17/0449/PNH

Address: 188 Nether Street, London, N3 1PE

Decision: Prior Approval Required and Refused

Decision Date: 17 February 2017

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3.37 metres and maximum height of 3 metres

Reference: 17/1014/HSE

Address: 188 Nether Street, London, N3 1PE

Decision: Application Returned

Decision Date: No Decision Made.

Description: Single storey rear extension

Reference: 17/2465/192

Address: 188 Nether Street, London, N3 1PE

Decision: Application Received

Decision Date: No Decision Made.

Description: Alteration of roof from hip to gable end; rear roof extension (involving conversion of roofspace to habitable use); and installation of two rooflights to front, roofslope

### **3. Proposal**

The proposal involves a part single, part two storey side extension following demolition of existing garage. A single storey rear extension to have a new bay window. New raised terrace. Roof extension involving rear dormer window with juliette balcony, rooflights to front and rear elevations to facilitate a loft conversion.

Side and Rear Extension:

The ground floor element of this extension will be set back from the front wall of the house by 1m, it will have an overall depth of 16m and be 2.7m wide, set back approximately 0.5m from the boundary wall with no.186 and approximately 4m to the flank wall of this neighbouring property. The single storey element would have a flat roof with a height of 3.4m

The first floor element will line up with the ground floor front wall and be of the same width, It would be 9.5m deep to line up with the rear wall of the main house. It will have a crown roof with an eaves level matching the main roof and would be 7m high above ground level to its ridge which would be 1.7m lower than the main ridge.

The side extension will replace the existing garage and will link in with the existing single storey rear extension. This rear extension is set away from neighbouring property at no.190 by 3.5m and will have a depth of 3.3m. It will have an additional depth of 1m and a width of 3.6m to incorporate the bay window. It will have a flat roof with a maximum height of 3.5m.

The side extension will have 1 roof light and the rear extension will have 4 roof lights.

Roof Extension:

The application also involves a rear dormer window with a Juliette balcony and 1 rooflight to front and 1 rooflight on top of the rear dormer to facilitate a loft conversion. The rear dormer will be 2.5m high, 2.4m deep and 3.5m wide.

The raised terrace will be extended full width and will have a height of 0.37m.

#### **4. Public Consultation**

Consultation letters were sent to 19 neighbouring properties.

11 responses have been received.

Objections have been summarised below:

- Not compliant with Barnet's guidance
- Block the space between No.188 and no.186
- Overbearing
- Block Light
- Overdevelopment
- Out of Character
- Out of proportion with the existing house
- Unwelcome precedent
- Parking space along the side will be lost

#### **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 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 2016)

- 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 2016)

- 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**

### Impact on the character and appearance of the existing building, the street scene and the wider locality

The proposed extension will be a proportionate addition that will not detract from the established character and appearance of the host property. The proposed extensions will still appear as a harmonious and subservient addition to the host property and will not constitute over development.

### Impact on the living conditions of neighbouring residents

Side and rear extension:

Due to the change in levels in the street, no. 186 lies at a lower level than the application property (approximately 0.4m). Further to this, there is an existing garage at the host property that has been built up to the boundary wall of this neighbouring property, towards the rear of the dwelling.

This garage measures 3m wide, 5.9m deep, 2.5m high to the eaves and 3.6m high above ground level to the ridge of the pitched roof.

The side extension will replace this garage and will be set away from the boundary wall of no.186 by approximately 0.5m and approximately 4m to the flank wall of this neighbouring property. It is considered that there is a sufficient buffer distance between the proposed extension and the flank wall of this neighbour. It will project approximately 3.5m beyond the rear wall of this neighbouring property and as such no harm is likely to result to this neighbouring property in terms of visual amenity and loss of light. It also complies with Barnet's Residential Guidance which states that a depth of upto 3.5 meters for a semidetached property is acceptable. Whilst the extension has moved closer to no.186, it has maintained a reasonable distance between the two neighbouring properties and is considered to be a proportionate and subordinate extension.

Whilst windows are proposed at the ground and first floor level, the windows will be obscure glazed.

The windows at the ground floor is located 1.7m when measured from finished floor level, therefore the proposed roof lights is not considered to have an impact on the character of the host property, neither will it have an impact on neighbouring properties in terms of overlooking and loss of privacy.

Whilst the rear extension will measure 4.3m in depth (including the bay window) adjacent to neighbouring property at no.190, it is set away from this neighbouring property by approximately 3.5m. Notwithstanding the depth of the extension, it is considered that there is sufficient buffer distance between the additional bay window and the boundary wall with no.190. And as such this element of the proposal will not have a detrimental impact on the amenities of this neighbouring property either.

Whilst it has been noted that the proposal would replace the existing garage and increase the foot print of the dwelling, the property would still benefit from a reasonable amount of onsite parking.

Roof extension:

In regards to size and design, the adopted Residential Design Guidance SPD (2013) Paragraph 14.33 states that a new dormer on a semi-detached property should be set in at least 1 metre from the party wall and should not occupy more than half the width or half the depth of the roof slope. Dormer windows should not be wider than the windows below and dormer cheeks should be kept as narrow possible.

Notwithstanding that the proposed roof extension exceeds the size of dormers which are normally considered acceptable under Barnet's Supplementary Design Guidance, it is noted that the dormer will have volume of 10.4cubic metres and these exact types of dormers can be undertaken under permitted development. This section of the road is characterised by larger dormers and the proposed dormer is not considered to be out of character or result in a detrimental impact on the amenities of neighbouring occupiers and therefore this does not warrant reasons for refusal.

It is also considered that no harm would be caused to the living conditions of both neighbours.

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

Objections to the proposal has been largely addressed in the body of the report.

#### **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.

