

**Location**                    **141 Bell Lane London NW4 2AP**

**Reference:**                **17/1794/FUL**                    Received: 20th March 2017  
Accepted: 21st March 2017

Ward:                        Hendon                                Expiry 16th May 2017

Applicant:                Bell Lane (Hendon) Ltd

Proposal:                    Part single, part two storey rear extension with gable end and pitched roof over, two rooflights one to front elevation and one to the rear elevation to provide one additional self-contained residential unit.  
Demolition and rebuilding of existing garage to rear garden.  
Associated parking space to front.

**Recommendation: Refuse**

- 1        The proposed two storey rear extension would by reason of its design, siting, size and scale, represent a poor form of development, failing to be subordinate and sympathetic to the existing building and an overdevelopment of the site that would be out of keeping with and harmful to the character and appearance of the original building, and the wider area, contrary to policies 7.4 and 7.6 of the London Plan (Adopted 2015), policy CS5 of the Barnet Core Strategy (Adopted September 2012), policy DM01 of the Barnet Development Management Policies Document (Adopted September 2012) and the advice contained in the Barnet Residential Design Guide Supplementary Planning Document (Adopted 2012).
  
- 2        The proposed development would by virtue of the proposed two storey rear extension create an overbearing and harmful dominant impact on the visual amenity and outlook for the occupiers of the neighbouring property at 139 Bell Lane. As such the proposed development would be contrary to Policy DM01 and DM02 of the Local Plan Development Management Policies DPD (2012) and policies CS1 and CS NPPF of the Local Plan Core Strategy (2012).
  
- 3        The proposed first and second floor flat would fail to be provided with insufficient floorspace which combined with the sloping ceiling in the roof space would constitute a substandard level of accommodation. In addition, the proposed extension would give rise to a sense of enclosure and overbearing impact to the outlook from the rear windows adjacent to 139 Bell Lane. As such the proposed development would be contrary to Policy DM01 and DM02 of the Local Plan Development Management Policies DPD (2012) and policies CS1 and CS NPPF of the Local Plan Core Strategy (2012).

**Informative(s):**

- 1 The plans accompanying this application are:

7974/111a; 7974/101; 7974 SLP; Planning Statement; Design and access statement.

- 2 In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.

## **Officer's Assessment**

### **1. Site Description**

The application site is a semi detached building which is currently separated into 2no flats. The site is located on the north side of Bell Lane close to the junction with Hillview Gardens. The area is predominantly residential in character, however, a significant proportion of the buildings in Bell Lane have been converted into two flats.

The neighbouring property at 143 Bell Lane has been extended by way of a hip to gable extension with rear dormer.

The building is not located in a conservation area, or one with additional planning control.

### **2. Site History**

Ref: 16/7925/FUL

Description: Roof extension involving hip to gable, rear dormer window, 1no. rooflight to front elevation to provide 1no additional self-contained unit. Part single, part two storey rear extension. Demolition and rebuilding of existing garage to rear garden. Associated parking space

Decision: Refused

Decision date: 03 March 2017

1. The combined effect of the proposed extensions would by reason of their design, siting, size and scale, represent a poor form of development and an overdevelopment of the site that would be out of keeping with and harmful to the character and appearance of the original building, the pair of semi-detached properties and wider area, contrary to policies 7.4 and 7.6 of the London Plan (Adopted 2015), policy CS5 of the Barnet Core Strategy (Adopted September 2012), policy DM01 of the Barnet Development Management Policies Document (Adopted September 2012) and the advice contained in the Barnet Residential Design Guide Supplementary Planning Document (Adopted 2012).

The refusal of this planning application has been appealed and the Planning Inspectorate has determined the appeal. The appeal has been dismissed. The Inspector considered that the two storey flat roof rear extension, along with the dormer and hip to gable appear large and bulky and highly conspicuous within the locality.

### **3. Proposal**

The proposal is construct a part single part two storey rear extension, as well as the addition of two rooflights - one to the front and one to the rear facing roof slope. The extension ground floor rear extension would have a depth of 3m and a width of 6.7m. It would be sited 1.2m away from the neighbours at 139 Bell Lane.

The first floor part of the rear extension would be set in from the flank wall of the ground floor extension by approximately 0.5m, and would have a width of 5.5m. The roof of the extension would be pitched, presenting a rear facing pitched roof gable. The ridge of the extension would have a height of 9.1m (eaves 5.7m), which is the same as the roof of the host building.

The proposal would involve the enlargement of the two existing flats and the creation of an additional flat which would be located on the first floor and in the roof space.

The flats would provide the following gross internal floor area:

Ground Floor Flat 1 - 79 m<sup>2</sup> (three bedroom four persons)

First Floor Flat 2 - 41 m<sup>2</sup> (one person)

Second floor Flat 3 - 73 m<sup>2</sup> (two bedroom four persons)

As part of the application it is proposed to the garage at the rear of the building to facilitate 1no parking space.

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

The application has been called in by the Chair of the Hendon Planning Committee, Councillor Maureen Braun.

Consultation letters were sent to 67 neighbouring properties.

3no comments of objection have been received setting out the following issues:

- o The plans are incorrect,
- o The scheme constitutes overdevelopment
- o Parking and access is constrained.
- o The scheme would create traffic that would be harmful to pedestrian safety.
- o The overdevelopment would constitute harm to quality of life.
- o The noise impact from the overintensification of the development

#### **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, CS7.
- Relevant Development Management Policies: DM01, DM02, 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

##### Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

##### Residential Design Guidance SPD (adopted October 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 extension 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.
- Notes that the conversion of existing dwellings into flats can have a cumulative impact on environmental quality and the character of established residential areas. Conversions can harm the character of areas by increasing activity, with increasing activity resulting in more

people movements, increased car movements and parking stress, more rubbish to be collected and more deliveries.

- Conversion proposals are likely to be resisted in areas of low density where predominantly there are single family occupation houses.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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- Whether the principle of flatted development is acceptable and would have an acceptable impact on the character and appearance of 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 the proposal would have an acceptable impact on parking.

## **5.3 Assessment of proposals**

### Impact on the character and appearance of the area

Policy DM01 states that 'Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

Policy CS5 of Barnet's Core Strategy outlines that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'. Policy DM01 requires that development proposals should be based on an understanding of local characteristics. Proposals should preserve and enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The development standards set out in Policy DM02: Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

Amendments have been made to the rear extension proposed. In the previous submission made under application reference 16/7925/FUL the extension proposed a hip to gable roof extension, and a two storey flat roof rear extension. In that case, officers considered that the extension work proposed under that application would represent a poor form of development which would have a significant detrimental impact on the character and appearance of the area.

It is considered that amendments which include the retention of the sloping hipped roof at the side of the building helps to reduced the impact that the extension would have on street scene.

However, the projection of the two storey rear extension (by a depth of 3.0m at both ground floor and first floor) is considered to be of excessive size insofar as it occupies most of the rear elevation of the existing building with an inset of 1m at ground floor from the boundary with 139 Bell Lane and 2m from the first floor at the same boundary. It would have a 1m inset from the edge of the property adjacent to 143 Bell Lane. Although the principle of a two storey rear extension is considered to be acceptable, it is considered that the width of this and the relationship with the existing property would be harmful to the

character and appearance of the building and the area, particularly taking into account its visibility from adjoining streets such as Hillview Gardens.

It is considered that the principle of flatted development at this location is supported. It is also considered that the proposal would not have a significant impact to the character and appearance of the site and surrounding street scene.

#### Impact the proposal would have on the amenities of neighbours and future occupiers

Taking into account the location of neighbouring extensions, it is not considered that the proposed extension would have a significant detrimental impact on the residential amenity of residents in neighbouring flats. It is considered that the increase in the intensity of the use of the site would not be significant in relation to increased noise and disturbance, or comings and goings from the site.

The proposed dwelling would fully comply with the nationally described space standard, which is the minimum residential space standard for new dwellings. London Plan Policy 3.5 (table 3.3) and the Sustainable Design and Construction SPD 2016. It is also considered that the layout and aspect provided would ensure that the development would provide sufficient light and outlook for future residents. Whilst the proposal would not afford residents with sufficient outdoor amenity space to comply with the Sustainable Design and Construction Guidance SPD (2016), taking into account the constrained urban location of the proposal, and the good transport links nearby, this would not significantly impact on the quality of the future accommodation for the new residents.

Taking the above into account the proposed dwelling would provide the required amount of daylight and sunlight to neighbouring occupiers. The therefore the development complies with the London Plan Policy 3.5 (table 3.3) and Policy DM02.

However, it is considered that its two storey height within close proximity to the boundary would result in an overbearing impact on the visual amenity of the occupiers of the neighbouring property at 139 Bell Lane and as such the proposed development is harmful to their amenity.

In respect of future occupier amenity, the proposed new (third) unit on the first and second floor would be of insufficient floor area. The new technical standard for internal unit sizes indicates that a one bed/two person unit over two floors should have an internal floor area of 58sq.m. The scheme is deficient by 6.0sq.m. In order to reduce the size of the extension to create a more sympathetic relationship between extension and dwelling would result in the creation of inferior unit sizes that would fail to comply with the requirements of the SPD and the technical guidance.

At ground floor it is considered that the projection would have an impact on the outlook to bedroom windows on the rear elevation at ground and first floor windows adjacent to the boundary with 139 Bell Lane.

#### Impact of the proposal on highway safety

No parking would be provided at this development, and the existing dwelling at the site does not have access to parking. The site is located in an area with a PTAL rating of PTAL 4, which highlights that it is within an area which has good access to public transport which would lessen the reliance on car travel.

Taking the above into account, it is considered that the proposal would have an acceptable impact on parking and on the highway.

Refuse storage would be located for each of the flats at the ground floor at the rear of the building. This is considered to be a suitable location for the store, and a condition will be added to ensure that this is adhered to.

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

Concerns raised have been discussed in the main body of this 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 the proposed development would have an unacceptable impact on the character and appearance of the area, and on the amenity of future and existing neighbours. The application is recommended for refusal.

Site Plan

