

**Location** Flat 3 43 Sunny Gardens Road London NW4 1SL

**Reference:** 17/5349/FUL Received: 16th August 2017  
Accepted: 22nd August 2017

Ward: Hendon Expiry 17th October 2017

Applicant: Sunny Trio Limited

Proposal: Loft conversion including insertion of 1no. roof light

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

Site location plan  
43SGR 11-001  
43SGR 10-001  
43SGR 11-002  
43SGR 11-003  
43SGR 11-004

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 conversion of the loft space hereby permitted shall be used as a tv room/ study for purposes ancillary to and occupied in conjunction with flat 3, 43 Sunny Gardens

Road and shall not at any time be occupied for purposes involving sleeping, eating and living functions or as a separate self contained residential unit.

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 186-187, 188-195 and 196-198 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 two story semi-detached property, which forms 4no self-contained flats located on the south west side of Sunny Gardens Road within the ward of Hendon. The property has been previously extended by way of a part single/part two storey side and rear extension to facilitate the conversion of the property into 4no.self-contained flats. The property is not locally/ statutorily listed, it does not lie within a conservation area, and there are no specific restrictions on site.

### **2. Site History**

Reference: H/00105/13

Address: 43 Sunny Gardens Road, London, NW4 1SL

Decision: Refused

Reason: The proposals use, by reason of the number of units proposed is likely to result in a harmful level of noise and disturbance as a result of its associated general activity, being detrimental to the residential amenities of no.41 Sunny Gardens Road. This would be contrary to policy DM 04 of the Adopted Barnet Development Management Policies 2012 and the Supplementary Planning Document: Residential Design Guidance.

Decision Date: 19th June 2013

Allowed on Appeal 3rd August 2014

Description: Conversion of existing semi-detached residential building into 4no. self-contained flats, including two storey side/ rear extension and hard and soft landscaping, following demolition of existing side extension.

### **3. Proposal**

The application seeks planning consent for the conversion of the loft into a TV room and insertion of 1no. rooflight in the south flank roofslope to serve flat no.3.

Access to this space within the loft area would be obtainable only through flat 3. The room would not be accessible from communal areas within the development. Partitions have been constructed within the roof space to separate the demises of flats 3 and 4 at roof level and to install fire safety and protection and is not for the purpose of the creation of any additional units.

### **4. Public Consultation**

Consultation letters were sent to 27 neighbouring properties.

7 responses have been received in objection to the development for the following reasons:

- Inaccurate plans insofar as the roof height and form to the detriment of the character and appearance of the property, local area and amenity of neighbours in terms of loss of light and outlook;
- Intended increase in occupancy level at roof level and subsequent impact on traffic and parking and congestion

### **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.

### The Mayor's London Plan 2017 (DRAFT)

'Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.'

### 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 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 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 October 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**

The application site relates to first floor flat 3 of 43 Sunny Gardens Road and forms 1 of 4 units. The conversion of the property was facilitated by a single/two storey side/rear extension to accommodate 4 self-contained flats and allowed at appeal on the 3rd August 2014 following planning refusal H/00105/13 on the 19th June 2013. The flat serves a 1 bed 2 person self-contained unit. at first floor level and seeks the addition of 1no. rooflight in the south flank roofslope to facilitate the conversion of the loft to serve a TV room at loft level.

The conversion of the loft would not result in any new extensions to the existing property and would solely function as a secondary, non-habitable room for the enjoyment of future occupiers. The conversion of the loft space in itself would not compromise the character and appearance of the property or local area.

The intended rooflight would not be visible from a public vantage point given its siting on the south west roofslope adjacent to the projecting party wall with adjoining no 41 Sunny Gardens Road and would be further obscured from view upon approach from the north and south of Sunny Gardens Road by way of the projecting two storey front gables at both the application site and adjoining no 41 Sunny Gardens Road. Given the above circumstances, the development would not compromise the visual amenities of the wider streetscene or the character and appearance of the property and local area.

The two storey side extension was constructed non in accordance with the approved plans following the appeal decision and as such, the hipped roof is higher than that shown on the approved plans under H/00105/13 however it is considered that this discrepancy would not give rise to harm to the streetscene. Given site circumstances, the development would not compromise the residential amenity of adjoining properties on the grounds of loss of light, outlook and privacy.

A condition has been attached to ensure that the function of the TV room is used for ancillary purposes and no other purposes involving sleep, eating or living functions. This would ensure that the occupancy level is consistent with approved plans ref H/00105/13. This would therefore ensure the safeguard of neighbouring amenity in terms of noise and disturbance of comings and goings and additional off-street parking/congestion. Completion of works in accordance with approved plans would be equally verified by the Planning Enforcement officer for the resolve of enforcement case ref ENF/01146/17.

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

Material planning concerns raised have been adequately addressed in the main 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 the 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.

SITE LOCATION PLAN

AREA 2 HA

SCALE: 1:1250 on A4

CENTRE COORDINATES: 523068 , 189687

