

**Location**                      **Ground Floor Flat 18 Dingwall Gardens London NW11 7ET**

**Reference:**                      **17/8219/FUL**                      Received: 29th December 2017  
Accepted: 4th January 2018

Ward:                              Garden Suburb                      Expiry 1st March 2018

Applicant:                      Mr Joey Ben Yoav

Proposal:                      Single storey side and rear extension to ground floor flat following  
demolition of existing single storey rear extension including new refuse  
and recycling storage to front elevation

**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:

U-BY- LP001 (received 27/02/2018)  
U-BY- EP001 Rev 1 (received 27/02/2018)  
U-BY- EE001 Rev 1 (received 27/02/2018)  
U-BY- PP001 Rev 1 (received 27/02/2018)  
U-BY- PE001 Rev 1 (received 27/02/2018)

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 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 6 a) No development shall take place until a scheme of hard and soft landscaping to the front forecourt area, and around the proposed refuse storage, has been submitted to and agreed in writing by the Local Planning Authority.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

**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. 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 storey terraced property located at No.18 Dingwall Gardens. The property shares a party wall with the neighbouring premises at No.16 and No.20 Dingwall Gardens.

As existing, the property is subdivided into 2no self-contained units. The conversion has been confirmed through a Certificate of Lawfulness with reference 16/1355/191.

The property benefits from a small front garden which is currently a mixture of hard and soft landscaping.

The host property is located north of Golders Green Town Centre and approximately a 10 minute walk from the underground station. The site benefits from a PTAL Rating of 3.

The host property at Dingwall Gardens appears to form part of a larger historical residential development including the neighbouring Forres Gardens, Hampstead Gardens, Alyth Gardens and Clifton Gardens. This local area is characterised by long terraced rows of housing with small gardens separate roads at regular interval. The area appears to involve a mixture of single family dwellings and flat conversions. The latter, are predominantly identified within Forres Gardens, Alyth Gardens, and Clifton Gardens.

The property does not benefit from permitted development rights given its lawful use as two flats

The property is not located within a conservation area and is not a listed building.

### **2. Site History**

Reference: 16/1355/191

Address: Ground Floor Flat, 18 Dingwall Gardens, London, NW11 7ET

Decision: Lawful

Decision Date: 15 April 2016

Description: Retention of conversion of a single dwelling house into 2no self contained flats (use class C3)

Reference: 17/5042/FUL

Address: Ground Floor Flat, 18 Dingwall Gardens, London, NW11 7ET

Decision: Refused

Decision Date: 11 December 2017

Description: Single storey rear extension to extend existing ground floor flat. Creation of new self-contained unit within the loft following internal reconfiguration of first floor flat and extension of roof including 1no rear dormer window and 3no roof lights to front elevation

Reason for Refusal: The reasons for refusal read as follows: The proposed change of use by reason of the number of units in the property, layout, and design would be an over-intensive use of the property that by reason of associated noise and disturbance, and refuse storage arrangements would be detrimental to the character of the area and neighbouring residential amenity. The proposals would be contrary to policy CM01 of the Adopted Barnet Development Management Policies 2012 and Supplementary Planning Document: Sustainable Design and Construction

Reference: 17/8220/FUL

Address: Ground Floor Flat, 18 Dingwall Gardens, London, NW11 7ET

Decision: Pending Consideration

Decision Date: No Decision Made. - Considered elsewhere on this agenda

Description: Extension to roof including 1no rear dormer and 3no rooflights to front elevation

### **3. Proposal**

The application seeks planning permission for a single storey rear extension following the demolition of an existing single storey rear projection.

The extension would measure 3.5 metres in depth, 3.2 metres in height, and 6.5 metres in width. It is noted that the ground slopes to the rear. The extension will therefore appear taller when viewed from the rearmost point within the garden. The single storey rear element will extend the full width of the property from the boundary with No.16 to the boundary with No.20. The extension will further benefit from a flat roof.

New refuse and recycling storage to the front elevation. The proposal seeks planning permission for 4 x 240 litre refuse bins. Two bins will be located along the boundary with No.16 Dingwall Gardens whilst two bins will be located along the boundary with No.20 Dingwall Gardens.

### **4. Public Consultation**

Consultation letters were sent to 13 neighbouring properties.  
10 responses have been received, comprising 10 letters of objection.

The representations received can be summarised as follows:

- Single storey rear extension too deep and out of character
- Extension will create sense of enclosure
- Extension will set a precedent
- Parking stress / Highways stress
- Noise and disturbance
- Additional metre boxes
- Increase population density
- Overcrowding
- Social degradation/crime
- Additional bins to the front elevation

### **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.

The London Plan is currently under review. 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 adopted 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 seeks planning permission for a single storey rear extension following the demolition of an existing single storey rear extension. The proposal further seeks planning permission for a new refuse and recycling storage to the front elevation.

It is noted that the current application follows from a previous application, with reference 17/5042/FUL, for a 'Single storey rear extension to extend existing ground floor flat. Creation of new self-contained unit within the loft following internal reconfiguration of first floor flat and extension of roof including 1no rear dormer window and 3no roof lights to front elevation'. The application was refused at committee on the 30th of November 2017.

The reasons for refusal read as follows:

"The proposed change of use by reason of the number of units in the property, layout, and design would be an over-intensive use of the property that by reason of associated noise and disturbance, and refuse storage arrangements would be detrimental to the character of the area and neighbouring residential amenity. The proposals would be contrary to policy CM01 of the Adopted Barnet Development Management Policies 2012 and Supplementary Planning Document: Sustainable Design and Construction."

It is important to note that the above reason for refusal does not include reference to the single storey rear extension.

It is noted that the host site at No.18 Dingwall Gardens benefits from a Certificate of Lawfulness (16/1355/191) for the retention of the conversion of a single dwelling house into 2no self-contained flats (use Class C3). The property therefore lawfully benefits from a ground floor flat and a first floor flat. The application under reference 17/5042/FUL sought planning permission for an additional third flat. It is recognized that the current application 17/8219/FUL has been submitted together with the application 17/8220/FUL. The latter application seeks planning permission for a loft conversion to the first floor flat.

The current application specifically relates to the ground flat at No.18 and seeks planning permission for a single storey rear extension. It is noted that the property benefits from an existing single storey rear projection. The outrigger currently project centrally and approximately extends 3.7 metres in depth from the existing rear wall. With the benefit of a site visit it is noted that the single storey rear projection appears to be a recurring feature amongst a considerable number of properties along Dingwall Gardens. During the previous application, it was identified that the existing single storey projection also includes a smaller addition of approximately 1.4 metres in depth from the existing rear wall. The addition sits along the boundary with No.16 Dingwall Gardens. It is considered that the existing outriggers were granted permission under reference C01987.

The proposal has been amended and the extension has been reduced in depth following concerns from planning officers. The extension will project a maximum of 3.5 metres along the boundary with the neighbouring property at No.16 Dingwall Gardens. Notwithstanding this, the neighbouring property benefits from an existing single storey rear extension. It is noted that the neighbouring extension does not sit directly along the boundary. Nevertheless, there are no windows between the neighbouring extension and the proposed extension at No.18. The extension will therefore not cause a 'tunnelling' impact. The extension has been reduced in depth and will not project beyond the neighbouring extension. It is therefore considered that the single storey element will not impact on the original character of the host property and the neighbouring visual and residential amenities. It must be noted that the previous application, under reference 17/5042/FUL sought planning permission for a similar extension measuring 3.5 metres in depth. It was considered at the time that the extension would not impact on the character of the property and the neighbouring amenities.

On the other hand, the extension will project 3 metres beyond the original rear wall and will sit along the boundary with the attached property at No.20 Dingwall Gardens, The extension would further benefit from a bay feature which would extend a further 0.6 metres (approx.) deeper than the proposed extension.

As per above, this element of the proposed extension is considered similar in nature to the previously refused scheme.

The neighbouring premise at No.20 Dingwall Gardens does not benefit from a rear extension however, it does benefit from an existing single storey rear projection located centrally within the rear elevation. In contrast to No.16, the property at No.20 benefits from a bay window on the side elevation closest to the boundary with No.18 Dingwall Garden. As per the above guidance, 3 metres are considered acceptable for single storey rear extension on terraced properties. Whilst the extension complies, for the most part, with the above guidance, the proposed bay feature would increase the overall depth further to 3.6 metres.

As per the previous application, due to the angulation and orientation of the bay feature with regards to the neighbouring property, it is not considered that the proposed extension will harmfully impact on the neighbouring property by reducing outlook and sunlight reaching the existing window.

A similar extension, measuring 3 metres in depth has been identified at No.10 Dingwall Gardens (F/01395/14). It is noted that the neighbouring property at No.12 benefits from a central two storey projection. Furthermore, a bay window sits between the two storey projection to No.12 Dingwall Gardens and the extension at No.10 Dingwall Gardens.



The proposed extension to the rear has been amended following concerns raised by planning officers. The amended plans have reduced the overall depth of the extension and it is considered that harmful impacts have been mitigated. A number of single storey rear extensions have been identified amongst properties on Dingwall Gardens. It is therefore considered that the proposed extension at ground floor is in keeping with the character of the area and the established pattern of development.

The single storey rear extension will allow for an additional single bedroom within the ground floor flat. The proposal would therefore change the property from a 1 bedroom flat to a 2 bedroom flat. On balance, it is not considered that the addition of 1no bedroom would materially increase the density and use of the existing ground floor flat. Furthermore, it is not considered that an additional bedroom would materially impact on parking stress along Dingwall Gardens.

Whilst paragraph 14.21 of the Council's Residential Design Guidance (SPD) states that single storey rear extensions on terraced properties should generally not exceed 3 metres in depth from the original rear wall, it is considered that given the relationships set out above, the proposed extension is acceptable in the circumstances of this site.

The proposal seeks to introduce new refuse and recycling storage to the front elevation of No.18 Dingwall Gardens. It is noted that the previous reason for refusal (17/5042/FUL) identified that the refuse arrangements would contribute to a negative on the host site. The previous application proposed 5no bins. Three bins were located along the boundary with No.16 and two bins were located on the side of the property closest to No.20 Dingwall Gardens.

The current scheme seeks planning permission for 4no 240 litre bins to be located in the same way i.e. 2 bins along the boundary with No.16 and 2 bins along the boundary with No.20. It is considered that the current proposal would provide less refuse bins than the previously refused scheme. Furthermore, a condition has been attached to ensure that details of the refuse enclosures and storage will be submitted and approved by the Local Plan Authority; in order to safeguard the character and appearance of the property as well as neighbouring amenity.

A further condition has been attached for the provision of landscaping to the front amenity space. It is considered that through the conditions, the scheme will ensure that no harmful visual manifestations will occur from the proposed refuse provision.

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

Comments have been received with regards to the impact of the single storey rear extension. It has been assessed that, whilst the extension does exceed the general allowance of 3 metres for terraced properties, it would not materially harm the visual and residential amenities of neighbouring occupiers. The extension will not project further in depth than the existing extension at No.16 and it is therefore considered that the proposal will maintain the established pattern of development.

A considerable number of comments have been received with regards to the impact on the character and appearance of the host site due to the proposal of 4no bins. Comments address the harm of changing the look of the property from a house to a block of flats. It must be noted that the host site benefits from Lawful use as 2no self-contained units under reference 16/1355/191. According to Barnet's Waste and Recycling Guidance Documents it

is considered that 2 dwellings within a block would be entitled to 2 x 240 litre bins each. The arrangement and provision of refuse storage has been addressed in the report above.

Further comments have been received with regards to the potential increase in crime, noise and disturbance. It is not considered that the proposed ground floor flat will materially differ from the existing use; to a level of harmfully increasing noise and disturbance to neighbouring occupiers. With regards to increase in crime and antisocial behaviour, it is not considered that the design of the proposed ground floor would lead to such an increase.

## **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.



