

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

Reference: **17/8220/FUL** Received: 29th December 2017
Accepted: 4th January 2018

Ward: Garden Suburb Expiry 1st March 2018

Applicant: Mr Joey Ben Yoav

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

The application was deferred on the committee of the 26th of March 2018 due to the need of a site visit.

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 her 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 29/12/2017)
U-BY-EP001 (received 29/12/2017)
U-BY-EE001 (received 29/12/2017)
U-BY-PP001 (received 29/12/2017)
U-BY-PE001 (received 29/12/2017)
U-BY-PV001 (received 29/12/2017)
U-BY-PV002 (received 29/12/2017)

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).

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.

Material Considerations

Members will recall that this application was deferred at the last meeting (26th March 2018) to enable them to visit the site.

The site visit has now been undertaken and the previous report is attached as an appendix.

Officer's Assessment (Appendix)

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: First 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: First 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 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: 17/8219/FUL

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

Decision: Pending Decision - Considered elsewhere under this agenda

Decision Date: No Decision Made.

Description: 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

3. Proposal

The application seeks planning permission loft conversion involving a rear dormer extension and 3no roof lights to the front elevation.

- The proposed dormer will measure 2.5 metres in height, 3.3 metres in depth, and 5.5 metres in width. The dormer will be set in from the boundaries with No.16 and No.20 Dingwall Gardens.

- 3 no roof lights to the front elevation.

4. Public Consultation

Consultation letters were sent to 13 neighbouring properties.

10 responses have been received, comprising 7 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 in population density
- Overcrowding
- Social degradation/crime
- Additional bins to the front elevation
- Dormer not to extend to neighbouring boundary.

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 loft conversion involving 1no rear dormer and 3no roof lights to the front elevation. The extension would allow for 2no additional bedrooms to the first floor flat.

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 should be noted that the reason for refusal did not include reference to the proposed dormer extension as being unacceptable.

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 17/8220/FUL has been submitted together with the application 17/8219/FUL. The latter

application seeks planning permission for a single storey rear extension to the ground floor flat.

The current application specifically relates to the first floor flat at No.18 and seeks planning permission for a dormer extension and 3no roof lights to the front elevation. It must be noted that a loft conversion was included in the previously refused scheme 17/5042/FUL. It was not considered at the time that the proposed loft conversion would be out of character with the local area.

The proposed dormer will measure 2.5 metres in height, 3.3 metres in depth, and 5.5 metres in width. The Council's Residential Design Guidance states dormer extensions must appear as subordinate features towards the original dwelling and should generally not exceed half the width or half the depth of the original roof slope. In this instance, it is acknowledged that the proposed dormer will exceed half the width and half the depth of the original roof slope.

Notwithstanding the above, it is noted that a number of properties along Dingwall Gardens benefit from large dormer windows to the rear. This has been identified at No.16; 20; and 22 Dingwall Gardens. Furthermore, the neighbouring properties at No.4; 8; and 10 Dingwall Gardens also benefit from larger dormer extensions measuring approximately the full width of the original roof slope.

It is therefore considered that such extensions appear to form a predominant feature along Dingwall Gardens. The proposal is considered in keeping with the established character of the area and is not considered to harmfully impact on the original character of the property or the local street scene.

The proposed dormer will allow for 2no additional bedrooms at loft level. It is noted that the two additional bedrooms will change the use of the flat from a 1 bed 2 person flat to 3 bed 5 person flat. National Housing Standards indicate that 3 bed 5 person flats, when situated on two levels, should achieve a minimum GIA of 93sq.m. In this instance, the flat at first floor will benefit from an internal GIA of 97.67sq.m.

Both bedrooms at loft level have been proposed as double bedrooms. Additional housing standards would require that all double bedrooms should benefit from a minimum area of 11.5sq.m and be at least 2.75 metres wide. All bedrooms should have adequate outlook and ventilation. In this instance, both bedrooms would benefit from an internal area of approximately 12.8sq.m; thus meeting national standards.

With regard to fenestration, the front facing bedroom would benefit from 3no roof lights. Whilst in general circumstances the provision of only roof lights may be argued as insufficient, it is considered that due to the bedroom exceeding national internal area standards it would not impact on the amenities of future occupiers. It is further considered that the proposed first floor flat would exceed national housing standards for a 3 bed 5 person unit thus allowing for adequate and accommodating living space for future occupiers.

Whilst no outdoor amenity space can be provided, it should be noted that, as existing, the first floor flat does not have access to outdoor amenity. Notwithstanding this, the host site is located within close proximity to Golders Green Town Centre and Golders Green Underground Station and is a 15 min walk from the Hampstead Heath Extension.

On balance, it is considered that as the proposed first floor flat will exceed the National Housing Standards with regards to internal amenity for future occupiers, this is considered to mitigate the lack of outdoor amenity space provided for the first floor flat at No.18 Dingwall Gardens. It is noted that the previous application 17/5042/FUL did not provide amenity space for the proposed flats at first floor and roof level and this aspect of that proposal did not form part of the reason for refusal.

As existing, the first floor flat would provide for a maximum of 2 people. Following the proposed extensions, the first floor flat would allow for a maximum of 5 people. On balance, it is not considered that the increase would constitute a material harm in density to recommend refusal.

It is noted that the previous planning application 17/5042/FUL was consulted with the Council's Highways Department. Officers considered at the time that the parking provisions required for the new development, would not materially impact on the established use of the property.

The proposed first floor flat will increase from 1 bedroom to 3 bedrooms. It is considered that this would require the additional provision of between 1 to 1.5 additional parking spaces to the existing provision of 1 parking space (1 bedroom flat.) During the previous application at No.18 Dingwall Gardens, it was considered that the current parking provision for the whole property would be between 1-2.5 parking spaces. At the time, the proposal sought the addition of 1no flat and it was recognized that the proposed development would require the provision of 1 - 3.5 parking spaces.

In this instance, it is not considered that the addition of 2no bedrooms, at loft level, would alter the required provision of parking spaces. It is therefore considered that no material impact would be established on highways grounds.

5.4 Response to Public Consultation

Due to the application being submitted alongside the application 17/8219/FUL (ground floor flat) comments have been received regarding concerns related to the proposed extension at ground floor as well as the proposal for new refuse and recycling storages. The current application only seeks planning permission for a loft conversion. No alterations to the front or the rear of the property have been assessed under the current application. Comments regarding the impact of the ground floor extensions and new refuse storage have been addressed in the application 17/8219/FUL.

No major concerns have been raised with regards to the addition of a dormer extension to the rear.

Comments regarding the increase in population density have been addressed within the report above.

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.



