

Location **23 Thornfield Avenue London NW7 1LT**

Reference: **17/7604/HSE** Received: 30th November 2017
Accepted: 18th December 2017

Ward: Finchley Church End Expiry 12th February 2018

Applicant: Mrs Karin Guppenberger

Proposal: Part single, part two storey rear extension and formation of lower level with decking area. Demolition of detached garage

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:
 - 3128/1B (received 12/04/2018)
 - Site Location Plan (received 05/12/2017)
 - Basement Impact Assessment Ref L18/080/05 by JMS Civil and Structural Consulting Engineers (received 10th July 2018)
 - Flood Risk Assessment dated October 2017 by Ambimental.

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 at first floor 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 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing No.21 Thornfield Avenue 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 October 2016).

- 5 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).

- 6 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 elevations, of the extension(s) hereby approved, facing no.21 or no25 Thornfield Avenue.

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).

- 7 The basement hereby approved shall be built in accordance with the recommendations and methodologies of the Basement Impact Assessment Ref L18/080/05 by JMS Civil and Structural Consulting Engineers hereby approved.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties and local hydrogeology including drainage and ground and surface water conditions in the area, in accordance with Policy CS13 of the Core Strategy (2012), Policies DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012) and Policy 5.12 5.13 of the London Plan 2016.

Informative(s):

- 1 In accordance with paragraphs 38-57 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.
- 2 The applicant is advised that construction should be carried out in accordance with the recommendations for flood risk management risks as detailed in the hereby approved Flood Risk Assessment.
- 3 This permission does not authorise any changes to the levels of the rear garden other than specifically the lower decking shown on the approved plans.
- 4 The applicant is advised that a Chartered Engineer (MICE or MIStructE) should be appointed by the applicant and retained throughout the basement construction with the appointment details provided to the Council.

Officer's Assessment

1. Site Description

The application relates to a two storey semi-detached single family dwelling located on the southern side of Thornfield Avenue, within the Finchley Church Ward. The property is attached to the neighbouring No.25 Thornfield Avenue and benefits from a shared driveway with No.21 Thornfield Avenue. With the benefit of site visit it is noted that there are differences in ground levels at the site, with the garden set at a lower level than the main dwelling and accessed via a raised terrace and steps.

The property is not listed nor does it lie within a conservation area.

The property benefits from a rear dormer (considered lawful under lawful development certificate 15/03671/192).

The property backs on to the Dollis Valley Greenwalk and the Dollis Brook. Whilst the property itself fall within Flood Risk Zone 1, part of the rear garden falls under Flood Risk Zone 2 and 3, considered medium to high probability of flooding. A Flood Risk Assessment has been submitted as part of the supporting information.

2. Site History

Reference: 15/03671/192

Address: 23 Thornfield Avenue, London, NW7 1LT

Decision: Lawful

Decision Date: 13 July 2015

Description: Roof extension including installation of rear dormer window 2no. rooflights to front and new gable window to side elevation to facilitate a loft conversion

3. Proposal

The application seeks planning permission for a two storey rear extension and lower ground floor extension. The development would further benefit from an associated decking area.

The ground floor rear element will measure 3 metres in depth, 6.5 metres in width, 2.5 metres to the eaves, and 3.8 metres in maximum height.

The two storey rear element will measure 3 metres in depth, and 6 metres in height when measured from the roof of the proposed lower ground floor. The extension will be set in 3 metres from the boundary with the adjoining property at No.25 and will be set away by 3 metres from the flank wall of the first floor at No.21 Thornfield Avenue.

The basement extension will measure a maximum of 4.1 metres in depth, 3 metres in height, and will benefit from an internal head height of approximately 2.4 metres.

The associated decking area will benefit from a height of approximately 0.3 metres from natural ground level, a width of 6.37 metres (spanning width of property), and a depth of 2.7 metres.

4. Public Consultation

Consultation letters were sent to 2 neighbouring properties.
7 responses have been received, comprising 7 letters of objection.

The objections received can be summarised as follows:

- The two storey rear extension will cause loss of light
- Side window will impact on privacy
- Excavations for lower ground floor will have detrimental impact.
- Large tree within falling distance.
- No Basement Impact Assessment
- No reference to SUDS
- Basement will cause loss of garden
- Loss of green infrastructure should be material consideration
- Negative impact 'heat island effect'
- Impact on natural habitat, neighbouring residents, and local area.

The application was re-consulted following the submission of a Basement Impact Assessment. Two additional comments were received and are summarised below.

- BIA acknowledged minor risk but even minor risk is a risk for neighbours
- The properties in the area are modest in size and the excavation of a basement will affect properties and the local area
- More surface flooding
- Basements are not the norm in the borough
- Allowing the development is dangerous

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 24th July 2018. 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. 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.

Standing Advice

- Provides detailed guidance on how to approach consultation when reviewing flood risk assessments as part of planning application.
- Sets out the requirements to be provided dependant on the relative size of development and its location within Flood Zone Areas.

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, DM04.

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:

- Flood risk
- 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 proposal seeks planning permission for a two storey rear extension as well as a new basement at lower ground floor with an associated decking, following the demolition of an existing side garage.

The host site is a two storey semi-detached property located at No.23 Thornfield Avenue. It is noted that the proposal has been amended during the course of the assessment to address concerns raised by planning officers.

Flood Risk

In relation to flooding, policy DM04 requires that the sequential approach set out in the NPPF is applied to development proposals. As national policy, the NPPF is a very important material consideration. Its strategy is to direct development away from areas of highest flood risk.

All new development in areas at risk from fluvial flooding must demonstrate application of the sequential approach set out in the NPPF (paras 155-165) and provide information on the known flood risk potential of the application site. Paragraph 163 of the NPPF states:

"When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*

e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan."

The property is located within flood zone 1 (low risk of flooding), however the rear garden falls within flood zones 2 and 3 (medium to high probability of flooding respectively). The development by virtue of containing residential development is identified as 'more vulnerable'.

A Flood Risk Assessment has been submitted for the proposed extensions at No.23 Thornfield Avenue. In this instance, the entire development will be situated fully within Flood Zone 1 (low risk; with less than 0.1% chance of annual fluvial flooding). The report details that the extensions would be sited within flood zone 1, this is achieved by limiting the proposed maximum depth of the extension to 4.1 metres past the rear wall at No.23 Thornfield Avenue. Whilst the roof overhang of the basement would project beyond flood zone 1, this would be above existing ground level, and excavation and main structure would be contained within flood zone 1. This has been verified by the EA Flood Maps for Planning.

A flood risk assessment (FRA) is required for developments which fall within Flood Zone 2 and 3. The developer has provided one in this case even though it is not strictly considered to be required in the view of officers. Nevertheless given the proximity to the flood zone this assists in demonstrating that the proposals will not add to flood risk.

Notwithstanding the above, the flood risk assessment identifies flood risk management measures with regards to construction; electrical connection; gas/water supply; drainage; and interior fittings. The applicants are advised to follow and implement said measures in order to mitigate adverse impact towards the host property as well as the neighbouring premises and ensure the proposal is safe for its lifetime.

Given the modest nature of the proposal, details with regards to SUDs would not be required.

The geology map indicates this area is overlain with London Clay Formation (a relatively stable sub-soil). London clay is a relatively impermeable layer which would act as a barrier for groundwater flows. Due to the moderate size of the proposed basement, it is considered that the risk of groundwater flooding is relatively low. The excavation to create a relatively moderately sized basement area is noted; taking into account the proximity to the flood zone officers are of the view that a full Basement Impact Assessment is not justified in this case.

The proposal is considered to comply with the NPPF and DM04 of the Development Management Plan Policies in that it will not materially increase flood risk in the locality.

Basement Extension

Paragraph 14.44, of the Council's Residential Design Guidance, states that the council will normally allow single floor basement extensions which do not project further than 3 metres from the rear wall of a house or more than half its width beyond each side elevation. Furthermore, basement extensions should not remove more than 50% of the amenity space; should not affect neighbouring ground water conditions; and should appear as subordinate additions to the host property respecting its original design and proportions. Basement extensions should be designed with limited visual manifestation.

It is recognised that in this instance, the proposed basement will extend a maximum of 4.1 metres in depth. Whilst the proposal would exceed the guidance above, it is noted that each planning application is assessed on its own merits. As stated previously, parts of the host site falls within Flood Zone 2 and 3 are therefore vulnerable to flood risk. The basement extension has therefore been entirely set back, to a maximum depth of 4.1 metres, in order to fully sit within Flood Zone 1 (limited risk).

With regards to the above guidelines, it is noted that the proposed basement will not remove 50% of the existing amenity space to the rear. The basement will approximately project to the same depth of the existing raised platform. It is therefore considered that no further material loss of rear garden amenity would be lost. Furthermore, the proposal has been designed by taking into account the natural ground levels at No.23 Thornfield Avenue. The proposal will therefore not appear as an obtrusive addition as there will be minimal visual manifestation.

Paragraph 14.45 further states that all rooms within a basement should be able to function properly for the purpose intended. Rooms should receive adequate natural light and ventilation. All habitable rooms should have minimum headroom of 2.5 metres. In this instance, the proposed basement will benefit from a rear facing window as well as a roof light extending the full width of the basement. Applicants have confirmed that the proposed basement is to be used as a secondary lounge/living room and will benefit from maximum head height of approximately 2.4 metres. It is therefore considered that, on balance, the proposed basement will benefit from adequate natural light, ventilation, and head height.

The roof to the proposed basement will project approximately 1.5 metres past the rear wall of the proposed ground floor rear extension. Given that the proposal will approximately project to the same depth of the existing raised patio, it is not considered that the proposed 'step out' area would materially differ from the existing relationship between No.23 and No.25 to the extent of creating further overlooking and privacy impact.

As mentioned above, the area is of London clay geology. The excavation to create a relatively moderately sized basement area is noted; taking into account the proximity to the flood zone officers are of the view that a full Basement Impact Assessment is not justified in this case.

In conclusion, the structural implications of the basement, including the possible impact on neighbouring properties with regards to stability, are assessed under Building Regulations. The proposed basement has not been considered to increase flooding pressures (as per the Flood Risk Report and detailed above) and is therefore considered to be acceptable.

Basement Impact Assessment

It is noted that the application was deferred by the Finchley and Golders Green Committee of the 23rd of April as a Basement Impact Assessment had not been submitted for assessment. A BIA report was subsequently submitted and independently assessed by Campbell Reith Consulting Engineers on behalf of the London Borough of Barnet.

The report identifies that the scale of the proposed basement is moderate in size and whilst the applicants have not carried out a site specific investigation, the assumptions made have been reasonable and based on factual desktop study information. The review of the Basement Impact Assessment concludes that:

- It is assumed that ground water flows will be minimal and will therefore not be impacted by the basement construction.
- The construction method is considered acceptable.
- The amount of surface water run-off is not anticipated to increase significantly, and it is accepted that the surface water drainage will not be significantly adversely impacted.

It has been therefore considered that the Basement Impact Assessment adequately demonstrates that the proposal is unlikely to have an unacceptable impact on land stability or ground and surface water conditions. Officers have recommended a condition to ensure that the measures details in the BIA are implemented during construction.

Ground floor extension and decking

With regards to single storey rear extensions, the Council's Residential Design Guidance (SPD) states that the single storey rear element on semi-detached properties should generally not exceed 3.5 metres in depth.

In this instance, it is noted that the proposal would be a maximum depth of 3 metres from the original rear wall. The current depth has been amended following the initial submission. It is therefore considered that the rear element at ground floor would be in keeping with the Council's guidance.

It is further noted that a number of neighbouring properties along Thornfield Avenue benefit from single storey rear extensions. This has been identified at the attached premise at No.25 Thornfield Avenue, as well as No.7, No.13, and No.15 Thornfield Avenue. It is therefore considered that a single storey rear extension at No.23 would be in-keeping with the established character of Thornfield Avenue and the current pattern of development.

The neighbouring premise at No.25 Thornfield Avenue benefits from planning permission, under reference 15/07212/HSE, for a two storey side extension and single storey rear extension. With the benefit of a site visit, it is noted that the extensions have been implemented. The extension at No.25 projects a maximum of approximately 1.7 metres past the original rear wall. The proposed extension as No.23 will therefore project a maximum of 1.3 metres past the neighbouring rear wall. The projection is considered to comply with the Council's Residential Guidance and is not considered to materially impact on the neighbouring visual and residential amenities by appearing overbearing and obtrusive. This is emphasised by the relatively modest eaves height of approximately 2.5 metres; the eaves height has been taken from the roof of the proposed basement. The proposed basement roof would sit at the same height as the neighbouring raised patio at No. 25 Thornfield Avenue. It is therefore considered that the proposed rear extension will not appear as an overbearing and obtrusive structure to the detriment of neighbouring visual and residential amenities.

The revised plans indicate that the property and no.21 benefit from a gap of approximately 3 metres between the respective flank walls. Due to the existing gap between the properties combined with the depth of the proposed extension of 3 metres at ground floor level, it is not considered that adverse impact would be created towards the visual and residential amenities of neighbouring officers. A new window has been proposed to the side elevation, at ground floor, facing No.21, which would serve the staircase to the lower ground floor. A condition has been attached to ensure that the window will be obscure glazed in order to mitigate overlooking and privacy issues, and another to prevent any additional windows being added to the flank elevations.

The lower ground floor will project 1.1 metres further in depth than the ground floor rear extension. The property will therefore benefit from a 'terrace/ patio' element to the rear. With the benefit of a site visit it is noted that the property benefits from an associated raised platform. It is therefore considered that due to the change in ground levels, a degree of overlooking is already present between the host site and the adjoining properties. The proposed basement and associated roof will project approximately to the same depth and height of the existing patio. As such, it is not considered that the 'terrace/patio' would materially increase views into the neighbouring gardens or that the level of overlooking would be increased.

The proposal further seeks planning permission for an associated decking area/raised platform.

Under the General Permitted Development Order (2015), raised platforms are considered permitted development when not exceeding 0.3 metres in height from the natural ground level. Whilst the proposed development is not assessed under permitted development rights, the proposed raised platform, if taken in isolation, would comply with the requirements of permitted development.

Due to the height of 0.3 metres above ground level, it is not considered that the decking area would introduce further views into neighbouring amenity spaces and would not materially impact on the residential amenities of neighbouring occupiers at No.21 and No.25 Thornfield Avenue.

First Floor Rear Extension

The proposal would further benefit from a two storey rear element. It must be noted that two storey rear extensions do not appear to be a common character feature amongst properties on the Thornfield Avenue. Nevertheless, a recent example has been identified at No.7 Thornfield Avenue where planning permission was granted for two storey rear element with a maximum depth of 3 metres (H/05541/14). It is therefore considered that, whilst not a recurrent feature, if designed in accordance to the Council's Residential Design Guidance (SPD), a two storey element may be supported at No.23 Thornfield Avenue.

Paragraph 14.23 of the Design Guidance (SPD) states that two storey rear extensions which are close than 2 metres to the neighbour boundary and project more than 3 metres would not generally be accepted. This is mainly due to the extensions likely appearing too bulky and dominant, and having a detrimental effect on the amenities of neighbouring occupants.

It is noted that the two storey element has been amended to a maximum depth of 3 metres from the original rear wall. The extension will be situated on the side elevation of No.23 closest to the boundary with No.21 Thornfield Avenue. It is considered that the existing distance between the properties combined with the depth of the building would not result in the extension appearing as an overly-dominant and obtrusive structure; to the detriment of neighbouring visual and residential amenities. It must also be recognized that the relationship between No.7 Thornfield Avenue (first floor rear extension) and No.5 Thornfield Avenue is very similar to relationship between No.23 and No.21; with both properties benefiting from a shared driveway measuring 3 metres in width approximately. Similarly, on the other side, the distance and relationship with no.25 is considered to provide appropriate relief to ensure that the extension does not appear overbearing or visually intrusive. The first floor rear extension would not materially harm the living conditions of neighbouring occupiers and in this regard would appear acceptable.

5.4 Response to Public Consultation

The comments in relation to the need for a Basement Impact Assessment are addressed within the main report.

Comments have been received with regards to the potential harmful impact of the proposed lower ground floor extension as well as the wider concerns with regards to flooding impacts. Concerns have been addressed within the assessment above.

With regards to the proposed window at ground floor, a condition has been attached to ensure that the window will be obscure glazed in order to mitigate overlooking and privacy impact towards neighbouring residents.

Comments have been received with regards to the potential impact on biodiversity as well as well as the contributing to the London 'heat island effect'. It is noted that the property does not fall within an ecological area of special interest or specifically designated land. It is therefore considered that the proposal, due to the moderate nature, would not harmfully impact on the existing biodiversity. Furthermore, due to the moderate size of the proposed extensions, the development is not considered to harmfully contribute to the heat island effect in the area.

Further comments have been addressed towards the loss of green infrastructure/garden amenity. It is noted that the proposed built extensions will project approximately to the same depth of the existing raised platform. It is therefore considered that no material loss of the existing garden space would be occurring. The impact would be on that is typical of any householder extension in the borough.

A large tree has been identified between the boundary with No.21 and No.19. Due to the distance from the host site, it is not considered that harmful impact would occur on the tree during construction phases and the tree is not protected by a TPO.

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.



OS Plan 1:1250

