

LOCATION: 2 Elm Walk, London, NW3 7UP
REFERENCE: F/05087/11

Received: 21 December 2011

Accepted: 31 January 2012

WARD(S): Childs Hill

Expiry: 27 March 2012

Final Revisions:

APPLICANT: Mrs L Meir

PROPOSAL: Two storey side extension following removal of existing garage and single storey rear elevation. Two storey front extension including new front porch; Creation of lower ground floor including lightwells at both sides and rear; Extension to roof including 3 no rear dormers to facilitate a loft conversion.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 911369; 06.914.01; 06.914.02; 06.914.03 Rev B; 06.914.04 Rev B; 06.914.05 Rev B; 06.914.06 Rev B; 06.914.07 Rev B; Report on Ground Investigation prepared by W J C Wallace of K F Geotechnical dated 26 March 2012 - Ref G/031213/001.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 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 the surrounding area.

- 4 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), the following operation(s): The insertion of windows in any part of the approved development.

Reason:

To safeguard the amenities of neighbouring residents.

- 5 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

- 6 The use of the extension hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit.

Reason:

To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties.

- 7 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason:

To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

- 8 No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for – access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway. Throughout the construction period the detailed measures contained within the approved Statement shall be strictly adhered to.

Reason:

In the interests of highway safety in accordance with Policy M11 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -

The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (UDP) (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):

GBEnv1, GBEnv2, D1, D2, D3, D5, D6, H27, M11.

Local Development Framework:

Core Strategy (Adoption Version) 2012 – CS NPPF, CS1, CS5, CS9.

Development Management Policies (Adoption Version) 2012 – DM01, DM02, DM17.

- ii) The proposal is acceptable for the following reason(s): -

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet UDP policies and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is considered to comply with National, London Plan, and Council Policies and Guidelines.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework:

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 London Plan is recognised in the NPPF as part of the development plan.

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."

NPPF retains 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 July 2011:

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London.

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 for London has introduced a Community Infrastructure Levy. This applied from 1 April 2012 to most developments in London where the application is determined by the Local Planning Authority.

Within Barnet the levy will be charged at a rate of £35 per square metre of net additional floorspace.

Relevant Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction "saving" 183 of the 234 policies within the UDP.

In June 2005 the Council published its "Three Strands Approach", setting out a vision and direction for future development, regeneration and planning within the Borough. The approach, which is based around the three strands of Protection, Enhancement and Growth, will protect Barnet's high quality suburbs and deliver new housing and successful sustainable communities whilst protecting employment opportunities. The second strand of the approach, "Enhancement", provides strong planning policy protection for preserving the character and openness of lower density suburbs and conservation areas. The Three Strands Approach will form the "spatial vision" that will underpin the Local Development Framework.

Relevant policies to this case: GBEnv1, GBEnv2, D1, D2, D3, D5, D6, H27, M11.
Design Guidance Note No 5 – Extensions to Houses

The Council Guide 'Extension to Houses' was approved by the Planning and Environment Committee (The Local Planning Authority) on March 2010. This leaflet in the form of a supplementary planning guidance (SPG) 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.

Included advice 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.

In respect to amenity, the extension should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook and be overbearing or cause an increased sense of enclosure to adjoining properties.

The basic principles the Local Authority has adopted in respect to different types developments are that they should not unduly reduce light or outlook from neighbouring windows to habitable rooms, overshadow or create an unacceptable sense of enclosure to neighbouring gardens. They should not look out of place, overbearing or bulky from surrounding areas.

The Council has also adopted (June 2007), following public consultation, a Supplementary Planning Document "Sustainable Design and Construction". The SPD provides detailed guidance that supplements policies in the Unitary Development Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

Core Strategy (Examination in Public version) 2012:

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy sets the vision, core objectives and strategic policies for Barnet. Barnet's Local Plan is at an advanced stage following submission in August / September 2011. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9.

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01, DM02, DM17.

Relevant Planning History:

Site Address: 3 Elm Walk, London, NW3 7UP
Application Number: C/10877/A/03
Application Type: Full Application
Decision: Approved with conditions
Decision Date: 27/06/2003
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Ground floor and first floor side extension.**
Case Officer:

Site Address: 6 Elm Walk, London, NW3 7UP
Application Number: C/10958/D/03
Application Type: Full Application
Decision: Approved with conditions
Decision Date: 08/12/2003
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Loft conversion involving 3 No. dormer windows to rear roof.**
Case Officer:

Site Address: 4 Elm Walk, London, NW3 7UP
Application Number: C/12385/A/07
Application Type: Full Application
Decision: Approved with conditions
Decision Date: 15/03/2007
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey rear extension. Loft conversion and provision of 3 dormer windows to rear.**
Case Officer: Junior C. Moka

Site Address: 4 Elm Walk, London, NW3 7UP
Application Number: F/02307/08
Application Type: Section 192
Decision: Lawful Development
Decision Date: 29/08/2008
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey rear extension.**
Case Officer: David Campbell

Site Address: Glass House, Elm Walk, London, NW3 7UP
Application Number: F/02995/08
Application Type: Full Application
Decision: Approved with conditions

Decision Date: 09/10/2008
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **First floor side extension to create additional bedroom.**
Case Officer: Junior C. Moka

Site Address: 4 Elm Walk, London, NW3 7UP
Application Number: F/00078/09
Application Type: Full Application
Decision: Approved with conditions
Decision Date: 03/03/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey rear extension.**
Case Officer: David Campbell

Site Address: 12 Elm Walk, London, NW3 7UP
Application Number: F/02083/10
Application Type: Full Application
Decision: Approved with conditions
Decision Date: 28/07/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Part single, part two storey side and rear extension and new rear patio area. Extension to roof including 3no rear dormers to facilitate a loft conversion.**
Case Officer: Elizabeth Thomas

Site Address: 6 Elm Walk, London, NW3 7UP
Application Number: F/02276/10
Application Type: Section 192
Decision: Lawful Development
Decision Date: 18/08/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Extensions to roof including rear dormer window with roof light to front elevation to facilitate a loft conversion.**
Case Officer: Elizabeth Thomas

Site Address: 6 Elm Walk, London, NW3 7UP
Application Number: F/02282/10
Application Type: Full Application
Decision: Approved with conditions
Decision Date: 25/08/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **First floor rear terrace with 1.4m high privacy screen and glazed balustrade. Alterations to roof of ground floor rear projection.**
Case Officer: Elizabeth Thomas

Site Address: 6 Elm Walk, London, NW3 7UP
Application Number: F/02283/10
Application Type: Full Application
Decision: Approved with conditions
Decision Date: 06/08/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey rear extension, and alterations to garage.**
Case Officer: Elizabeth Thomas

Site Address: 6 Elm Walk, London, NW3 7UP
Application Number: F/03518/10
Application Type: Full Application
Decision: Approved with conditions
Decision Date: 26/10/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **First floor side extension. Single storey rear extension. Alterations to roof of existing rear projection and first floor rear terrace with glass balustrade. Extensions to roof including rear dormer window.**
Case Officer: Elizabeth Thomas

Site Address: 6 Elm Walk, London, NW3 7UP
Application Number: F/04678/09
Application Type: Full Application
Decision: Approved with conditions
Decision Date: 11/02/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Roof extension involving three rear roof dormer windows to facilitate loft conversion.**
Case Officer: Elizabeth Thomas

Consultations and Views Expressed:

Neighbours Consulted: 10 Replies: 3
 Neighbours Wishing To Speak 2

The objections raised may be summarised as follows:

1. The proposed extensions are unduly large in relation to the original building and are unacceptable because they dominate the existing building and will have a harmful impact on the street scene.
2. Overdevelopment of the site;
3. Out of character with the host building and surround properties;
4. The depth of the rear extension is over 5 metres;
5. The roof of the side storey is set down only 0.2 metres not in line with the design guidance;
6. Neighbouring ground water conditions should not be adversely affected as a result of the basement but not evidence has been submitted;
7. In relation to the front extension, whilst this is 649mm deep, the height of this projection will have a negative effect on the character of the street scene;
8. Adverse impact on the outlook from neighbouring house and garden;
9. Concerns about the principle of the basement;
10. Subsoil and geological considerations in the form of building subsidence from the effects of excavations, especially of a deep nature, are to an extent unpredictable, especially in Hampstead's geography/geology;
11. Damage to the built environment is matched by damage to trees and plant life generally, whose existence is totally dependent on water;
12. Nuisance during construction;
13. Concerned that the result of the borehole trial may not be representative, given the drought conditions currently being experienced. It is apparent from walking in Golders Hill Park and on the West Heath that springs and streams are very dry. The fact that water was not found in the boreholes until 4.3 m is not

representative of normal conditions - normally the water table would be significantly higher. It is suggested that the results of these boreholes should be treated with caution.

14. Concerned with the removal of spoil from the site. Elm Walk is a narrow road which can only take one car in one direction at any time. Even deliveries of building material cause significant problems. There is a footway only on one side of the road. It is a dead end. If heavy lorries enter the road to remove spoil, access will be completely blocked for both pedestrians and vehicles - any one living beyond number 2 (virtually the whole road) will be blocked in (or out). There is no way in which spoil can be removed without causing extraordinary disruption to all but a couple of residents for an extended period;
15. Disagree with the findings and result of the Report on Ground Investigation prepared by W J C Wallace of K F Geotechnical dated 26 March 2012 - Ref G/031213/001;
16. There is some incorrect referencing with the Report on Ground Investigation.

The application was referred to the Planning Sub-Committee at the request of Councillor Jack Cohen for the following reason:

"...to examine the impact of the basement proposal.... and the disruption from construction works generally."

Internal /Other Consultations:

Building Control Department -

Satisfied by the findings and believes the report to have reasonable results for clay subsoil.

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site which measures approximately 23 metres width to the front (12 metres to the rear) by 33.2 metres in depth and is located some 81 metres from the prominent corner of West Heath Road and Elm Walk. The materials used for the elevations are brick. The street is a cul-de-sac and this is one of the first few properties as one comes into the street.

Proposal:

The proposal relates to a single storey rear extension; two storey front extension including new front porch; the creation of basement including lightwells at both sides and rear; and a Extension to roof including 3no rear dormers to facilitate a loft conversion.

The two storey side extension will follow the demolition of the projection front element of the garage; and incorporates the element of the garage to the side of the dwelling and the rear utility room.

The application was amended since first being submitted and the extensions reduced in size.

This application was deferred at the West Area Sub Committee dated 28 June 2012 to allow for the Council's Building Control Department Principal Structural Engineer to be present at this committee meeting.

Planning Considerations:

The main issue in this case are considered to be covered under two main areas:

- The living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal.

The living conditions of neighbouring residents

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours' amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Unitary Development Plan Policies D5 and H16 seek, amongst other things, to ensure adequate outlook for occupiers adjoining new development, and that new residential developments should provide and preserve adequate residential amenity, however the policies, and the preamble in the preceding paragraphs, do not offer any guidance for assessment. It is therefore necessary for a judgement to be made by the decision maker with regard to this issue in each case.

The proposed single storey rear extension element has a rearward projection of 4 metres from the rear building line of the dwelling (reduced from 5.015 metres as originally submitted). The proposed extension is not full width (6.572 metres in width closest to the boundary with no. 4) and has a height of 3.5 metres with a flat roof. Any potential impact of the extension is considered to be mitigated by the depth of the extension at no. 4. This is considered to ensure the amenities of neighbouring occupiers are protected.

The proposed two storey side extension is set 1.1 metres away from the boundary to the neighbouring detached properties at no. 4. It is considered that this proposed extension would also comply with Council Policies that seek to preserve the amenities of neighbouring occupiers.

There are no windows in the side elevations facing the application site from no. 4 and as a result this proposal is not considered to result in a loss of outlook from and light to the front and rear windows or increased sense of enclosure to 4 Elm Walk and would comply with policy D5.

Character and appearance

In seeking the achievement of high quality design, NPPF says at policy 56 that the Government attaches great importance to the design of the built environment. 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 Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of the area that is defined by the type and size of buildings, the layout, intensity, and relationship with one another and their surroundings. Established local character and townscape quality can be harmed by insensitive development that is out of scale and unrelated to the street scene. Proposals involving the development of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the properties.

Design Guidance (Note No. 5 – Extensions to Houses) indicates that double storey side extension should:

- Be subordinate to the original house;
- Be set in a minimum of 1 metre from the boundary;
- The height of the extension should normally be lower than the height of the original building to help minimise the impact on the street scene;
- The extension should be in proportion both in its own right and in relation to the original building, achieved by setting the extension back a metre from the front building line.

The proposed side extension would in the main accord with the Council Policies that seek to maintain the character of areas and individual properties. It is considered that the placement of the proposed extension on the boundary with no. 4 would create an acceptable relationship in this circumstance.

Although the Design Guidance (Note No. 5 – Extensions to Houses) states that extensions should have a metre set back from the front building line, it is considered in this particular case that the extension will still appear subordinate.

The proposed rear extension would comply with the Design Guidance (Note No. 5 – Extensions to Houses). The proposed extensions would comply with Council Policies that seek to preserve the character of areas and individual properties. The design and siting of the extension is such that it would not have a detrimental impact on the character of either the original property or the area.

The proposal for the basement (will be linked to the ground floor by an internal stair) is considered to be an acceptable addition. It is considered that in many cases within the borough basements are not acceptable. However, given the arrangement of the properties within Elm Walk, it is considered acceptable. The proposed basement extension is considered to be designed in a way in which it is not considered to be obtrusive in the street scene. It is considered that to all neighbours, the basement will be virtually invisible due to its internal access.

The proposed number and size of the rear dormer windows accords with Council Guidance (Note No.5 – Extensions to Houses). It is not considered that these extensions would cause any significant detriment to the amenities of neighbouring

occupiers as stated in Design Guidance (Note No. 5 – Extensions to Houses). There are numerous examples of properties within the area where similar dormer windows have been constructed.

The addition of a two storey front extension including a new front porch is considered acceptable as it doesn't harm the character of the area or the amenities of neighbouring occupiers (including 2c, Magnolia House and 4 Elm Walk).

The proposal as a whole would not cause any significant harm to the street scene. In that respect, it would not conflict with relevant saved policies of the Barnet Unitary Development Plan (UDP). It would comply with policy GBEnv1, which seeks to protect and enhance the quality and character of the built environment, and with the aims of UDP policies GBEnv2 and D1 with respect to high quality design. In the terms of UDP policy D2, local character would be preserved, and the appearance, scale, bulk, height and pattern of surrounding buildings, and the overall character and quality of the area, would be respected. The proposal would harmonise with and respect the character of the area.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Since the application was originally submitted, the proposal has been greatly amended and is considered to comply with the Design Guidance, as a result it is considered that the planning related concerns raised on this application relating to design are not sufficient to constitute a reason for refusal.

The attachment of a condition to this planning decision requiring restricting the installation of windows in the side elevations are considered to address the concerns of the objectors with regards to overlooking and the loss of privacy.

The Council's Building Control Department Principal Structural Engineer commented on the submitted Report on Ground Investigation prepared by W J C Wallace of K F Geotechnical dated 26 March 2012 - Ref G/031213/001 and he is satisfied by the findings and believes the report to have reasonable results for clay subsoil. It is considered that the planning related concerns raised on this application relating to the principle of the basement and the two borehole tests provided are not sufficient to constitute a reason for refusal.

4. EQUALITIES AND DIVERSITY ISSUES

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

The proposal complies with the requirements of NPPF, which states in policy 57, 'It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes'.

When the Local Planning Authority approve planning applications there may be cases where there is some element of a loss of light to neighbouring properties. It is for the Local Planning Authority to determine whether the loss of light that could occur would be sufficient a reason to refuse the application.

The Local Planning Authority consider that this application has an acceptable impact on the amenities of the neighbouring occupiers.

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet UDP policies and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is considered to comply with National, London Plan, and Council Policies and Guidelines and is therefore recommended for **APPROVAL**.

SITE LOCATION PLAN: 2 Elm Walk, London, NW3 7UP

REFERENCE: F/05087/11



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2012. All rights reserved. Ordnance Survey Licence number LA100017674.