

Location **20A Shirehall Close London NW4 2QP**

Reference: **18/6946/FUL**

Received: 19th November 2018

Accepted: 23rd November 2018

Ward: West Hendon

Expiry 18th January 2019

Applicant: Mrs M Conway

Proposal: Roof extension involving side and rear dormer window and 2no front rooflights

Recommendation: Refuse

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 proposed roof extension, by reason of its size, siting and design, would be inappropriate and out of context with the prevailing character of the area and would introduce a feature detrimental to the character and appearance of the host property and the streetscene, contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. In

accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.

2 The plans accompanying this application are:

- 01/250, JC/556/1, JC/556/2, JC/556/3, JC/556/4, JC/556/5, JC/556/6

Officer's Assessment

1. Site Description

The application site comprises a first floor flat within a detached property on the eastern side of Shirehall Close. The surrounding area is characterised by residential dwellings, most of which are single family dwellings. Some properties within Shirehall Close and Shirehall Park have been extended at roof level through rear dormers, however, it is considered that these do not constitute the prevailing character of the area and where they do exist are likely to have been achieved through the utilisation of permitted development rights.

The site is not located within a Conservation Area and the host property is not a Listed Building.

2. Site History

Reference: 18/3738/FUL

Address: 20A Shirehall Close, London, NW4 2QP

Decision: Refused

Decision Date: 23 August 2018

Description: Roof extension involving side and rear dormer window and 2no front rooflights

Reference: 18/4531/FUL

Address: 20A Shirehall Close, London, NW4 2QP

Decision: Refused

Decision Date: 28 September 2018

Description: Conversion of garage into habitable room, insertion of new window and door to replace existing door

3. Proposal

This application seeks planning permission for a roof extension involving a side and rear dormer and 2no rooflights to the front roof slope.

The side and rear dormer would have a maximum depth of 5.73 metres, height of 2.65 metres and maximum width of 8.51 meters. The proposed dormer would extend for much of the rear roof slope and then wrap around the right hand side roof hip and along the side roof elevation.

The application site is a first-floor flat and thus does not benefit from permitted development rights. As such the application must be assessed using the councils local planning policy and guidance, with particular regard to the Residential Design Guidance SPD.

4. Public Consultation

Consultation letters were sent to 8 neighbouring properties within Shirehall Close and Shirehall Park.

No responses have been received

It should be noted that the absence of objections does not necessarily override the officer's view that the proposed development would be contrary to the requirements of the Adopted Local Plan and the Supplementary Planning Guidance.

This application has been called in to be heard by the Committee by Cllr Alex Prager on the following basis:

"I believe that the appearance of the roof extension would be acceptable in that it would not be aesthetically dissimilar to many neighbouring roof extensions, and if that the sole reason for refusal of the application would be due to the status of the building as flats, this too should not impact the design or amenity impact of the roof extension".

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 24 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, 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 (MALP)

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 and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

The Mayor's London Plan 2017 (DRAFT)

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

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted 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 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

Impact on Existing Building, Street scene and Character of the Area

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

The application constitutes a re-submission of the previous and identical planning application which was determined by delegated authority on 23 August 2018.

The applicant seeks permission for a proposed wrap around dormer to the property. The extension runs along much of the length of the rear elevation of the property and subsequently wraps around the side of the roof adjacent to 22 Shirehall Close and along the side roof slope.

The application site is a flat on the first floor of a detached property. The application site does not benefit from permitted development rights and therefore the proposed roof extension must be assessed using the relevant local planning policies.

The Residential Design Guidance SPD under paragraph 14.30 states "Additional, usable space can sometimes be created by converting roof space, providing this is carried out sympathetically. This often involves the formation of dormer windows or the insertion of roof lights. Many houses in Barnet have roofs that are too small for conversion, or in some cases, dormer windows or roof lights may be out of keeping with the character of the area"

Under paragraph 14.33 the SPD notes that "Dormer roof extensions should normally be subordinate features on the roof and should not occupy more than half the width or half the depth of the roof slope. Dormers which wrap around the hips will not normally be considered acceptable"

The proposed rear dormer would occupy well over half the width and height of the roof slopes it is positioned on and would not be considered to be a subordinate addition to the property. Furthermore, as stipulated within the SPD guidance dormers that wrap around hipped roofs are not considered acceptable in most instances. It is considered that the proposed wrap around dormer to fundamentally conflict with the character of the existing roof form to the detriment of the character of the existing property, street scene and wider locality contrary to Policy DM01 of the Development Management Policies DPD.

Furthermore the proposed side element of the dormer would be only have a maximum set back of 3 metres form the front election of the property. This set back given the significant mass and bulk of the dormer is not considered acceptable and would result in a visually dominant addition to the side elevation of the property when viewed form the street scene, resulting in detrimental harm to the street scene and wider locality contrary to Policy dM01 of the Development Management Policies DPD.

It is noted that there are examples of other roof extensions along Shirehall Close, however most of these are significantly smaller in proportion, with the dormers situated largely to the rear roof slopes as opposed to side roof slopes. Furthermore after undertaking a planning search the majority of such dormers were built under permitted development rights and as such the council did not have the ability to assess such proposals. In this instance, the property does not benefit from permitted development rights and an assessment using relevant local policy and guidance has been undertaken.

Although the proposed dormer is located at the rear of the property with much of the harm being appreciated from the rear, Planning Inspectors reporting in Barnet have concluded

that this harm should be taken into account. The impact on the visual amenity of occupiers in Shirehall Close and Shirehall Park is of importance and must be considered. For example, at 67 Rivington Crescent in Mill Hill, the Inspector determined that the proposed dormer would be conspicuous in the roofscape of the area from parts of the adjoining return of Rivington Crescent where it would be clearly seen over intervening gardens and garages. As a result it would appear at odds with the established character and appearance of the terrace and area. Another Inspector reported that a dormer in Garden Close, Barnet, would not be visible from the Close itself but would be visible in some private views in which they would appear incongruous in a context where roof slopes are largely unaltered.

The proposal is at odds with the character of the property and contrary to the Local Development Plan.

The proposed rooflights are considered acceptable.

Overall for the reasons highlighted above the proposed development is considered to result in detrimental harm to the character of the existing property, street scene and wider locality and would be contrary to policy DM01 of the Adopted Local Plan Development Management Policies Development Plan Document (2012) and the Residential Design Guidance SPD (2013). The application is therefore recommended for REFUSAL.

Impact on Neighbouring Amenity

The host property shares a boundary with the neighbouring property at No. 18 and No.22 Shirehall Close. The property shares a boundary to the rear with no.14 and no.16 Shirehall Park.

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

In regards to the amenity of neighbouring occupiers, located to the rear of the property, it is not considered that the proposed development would result in unacceptable levels of harm in terms of overshadowing, over dominance or overlooking in accordance with Policy DM01 of the Development Management Policies DPD. This is due to the significant distance from the host property to the rear neighbours.

The roof lights would also not be found to have an adverse impact on neighbouring occupiers.

Given the location of the proposed development to the side and rear roof slopes of the existing property, it is not considered that the proposal would result in any unacceptable levels of harm to the amenity of the adjacent occupiers at no.18 or no.22 Shirehall Close in accordance with Policy DM01 of the Development Management Policies DPD.

As such, the proposal would not have a detrimental impact on the amenities of neighbouring occupiers to a harmful level.

5.4 Response to Public Consultation

N/A

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed development would have an unacceptable impact on the character and appearance of the application site, the street scene and the general locality. Therefore this application is recommended for REFUSAL.

