

Location **11 Middleton Road London NW11 7NR**

Reference: **15/07926/HSE** Received: 24th December 2015

Accepted: 5th January 2016

Ward: Garden Suburb Expiry 1st March 2016

Applicant: Mr Michal Surname

Proposal: Extensions to the rear at basement, ground and first floor level. Re-modeling of the front entrance and proposed new windows and doors. New light well and new openings. Lowering of the internal and external basement level, changing of the roof tiles and relevant internal changes

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan: 392 1PL 000, 392 1EX 01, 392 1EX 02 392 1EX 03, 392 1EX 04, 392 1EX 05, 392 1EX 06, 392 1EX 07 392 1EX 09 and 392 1PL, 392 1PL 00 REV A, 392 1PL 01, 392 1PL 02 REV A, 392 1PL 03, 92 1PL 05, 392 1PL 06 REV A, 392 1PL 08 REV A and 392 1PL 09.

Changing tiles: 392 EXR 100, 392 EXR 101, 392 EXR 102 and 392 EXR 103.

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) and those shown on the approved plans.

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 The use of the basement 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 or dwelling.

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 5 Before the building hereby permitted is first occupied the proposed first floor windows in the side elevation facing towards no.13 Middleton Road 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 April 2013).

- 6 The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 7 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 first floor rear extension hereby approved, facing towards nos.9 or 13 Middleton Road.

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).

- 8 The screens and balustrades of the proposed rear terrace shall be installed in accordance with the approved plans before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

- 9 The premises shall be used for a single family dwellinghouse (C3(a)) and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

The application property is a two storey, semi-detached dwellinghouse located on the North side of Middleton Road. Either side of the application site is nos.9 (adjoining) and 13 (adjacent) Middleton Road. The applicant properties are not listed nor located on land designated as Article 2(3) (Conservation Area). There exist no outstanding conditions on the applicant properties which might limit development. There are no protected Trees on or adjacent to the application site. Levels drop from front to rear of the site and this has been utilised to create a basement to the property. The front garden area is currently hard surfaced and is used for parking.

2. Site History

Reference: 15/06053/192

Address: 11 Middleton Road, London, NW11 7NR

Decision: Lawful

Decision Date: 15 October 2015

Description: Demolition of existing dormers and creation of new partial hip to gable and rear dormer roof extensions and 1. no rooflight to front to facilitate loft conversion. Lowering of existing basement.

Reference: 15/06090/HSE

Address: 11 Middleton Road, London, NW11 7NR

Decision: Approved subject to conditions

Decision Date: 18 February 2016

Description: Rear extension at lower ground, ground and first floors and rear garden and side passage level changes. Front lower ground floor extension/ Light well. Alterations to porch, driveway, side elevation and relevant internal changes. (AMENDED PLANS)

Reference: 16/1011/NMA

Address: 11 Middleton Road, London, NW11 7NR

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Non-material amendment pursuant to planning permission 15/06090/HSE dated 04.02.2016 for " Rear extension at lower ground, ground and first floors and rear garden and side passage level changes. Front lower ground floor extension/ Light well.

Alterations to porch, driveway, side elevation and relevant internal changes". Amendments include "Lowering of the basement, associated internal alterations"

Reference: F/05597/13

Address: 11 Middleton Road, London, NW11 7NR

Decision: Refused

Decision Date: 12 December 2014

Description: Retention of extension to raised rear terrace.

3. Proposal

This application furthers a previous application approved by Finchley and Golders Green Committee.

The application seeks permission for the erection of extensions to the rear at basement, ground and first floor level. Re-modeling of the front entrance and proposed new windows and doors. New light well and new openings. Lowering of the internal and external basement level, changing of the roof tiles and relevant internal changes.

- Enlargement of the basement 0.75 metre to the rear and lowering of the basement level with inclusion of a new front lightwell as well as no.3 side lightwells and an exposed lower ground floor terrace to the rear. As previously approved (except the lowering of the basement).

- Ground floor rear extension to project 0.75 metres beyond the existing rear elevation of the dwelling for a width of 5 metres. Alterations to the existing raised rear terrace; proposed terrace would project 2.75 metres beyond the rear building line of no.09 and 3 metres beyond the existing rear building line of the application property at its Eastern edge. The proposed terrace would have a maximum width of 4.6 metres, would be at the same level as the ground floor of the property and would feature a set of stairs that would run from the terrace down to the level of the rear garden. To the front of the property, the proposed light well would be enclosed by a glass balustrade with a height of 1 metre. As approved previously.

- At first floor level a rear extension is proposed to project 2.8 metres beyond the rear elevation of the dwelling with a width of 5 metres. The proposed first floor rear extension would support a shallow crown roof with an eaves height to match the original dwelling and a maximum height set below the main ridge height by 4 metres. As approved previously.

- New boundary screening. Along the western side boundary in front of the dwelling for a length of 9.5 metres as well as along the Eastern side boundary for a length of 22 metres timber fencing with a height of up to 1.8 metres is proposed (1 metre high close to the highway). Along the Eastern boundary towards the rear of the property timber fencing is proposed with a height of 2.5 metres. As approved previously.

- Alterations to the curtilage of the dwelling including resurfacing of the front and sides of the property and alterations to levels. A porous 'Ecopave' material is proposed to the front of the site and Grey Indian Sandstone is proposed along the side of the dwelling. The alterations to levels would include a continuation of the ground floor level along the side of the property 3 metres further towards the rear, where a new set of steps are proposed down to the rear garden level.

- Alterations to the fenestration of the dwelling including replacement of the existing front bay window with enlargement of glazing area (depth/projection to match existing) to the front, no.7 replacement windows on the side elevation of the main dwelling and no.1 to the rear.
- Changing roof tiles from brown to grey concrete across the entire house and extensions.

4. Public Consultation

Consultation letters were sent to 15 neighbouring properties.
 21 responses has been received, comprising 21 letters of objection.
 Neighbours Wishing To Speak 2

The objections received can be summarised as follows:

- Proposal would deleteriously affect the street environment and scene
- Impacts on privacy
- Impacts on light
- Impacts on outlook
- Overdevelopment of site / original dwelling
- Development out of character with local area
- Noise and disruption
- Cumulative impact of permitted and proposed development
- Proposed lightwell oversized / out of character
- Size/depth of extensions visual overbearing
- Over fenestration to the side elevation
- Development will lead to structural instability
- Proposed lowering of the basement would be prone to flooding
- Proposals would set a precedent for future development
- Development is outside the parameters of draft Neighbourhood Development Plan
- Inconsistency in the drawings
- Changing of roof tiles are out of character

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 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 2015

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.

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 April 2013)

- 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 April 2013)

- 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

As mentioned above, a previous scheme (15/06090/HSE) was approved planning permission by the committee for rear extensions at lower ground, ground and first floors and rear garden and side passage level changes. Front lower ground floor extension/ Light well. Alterations to porch, driveway, side elevation and relevant internal changes. The main changes with this present application are lowering the basement level and changing the roof tiles

Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

The majority of the proposals are the same as previously approved by the committee under planning application reference 15/06090/HSE.

The principal changes are:

- The lowering of basement level by approximately 500mm beyond the previous approval
- Alterations to the rear fenestration to lower height of rear ground floor windows and removal of window to side facing no.9.
- The changing of the roof tiles on the property

Middleton road is characterised by two storey, predominantly semi-detached dwellings of very similar form, spacing and architectural vernacular. Many of the properties in the local area have been altered in various forms. As a consequence rear extensions (at both ground and first floors), hard surfaced front gardens and basements serviced by generous front lightwells have become characteristic features of the local area. As such, there is no objection in principle to further extension to the application property.

Barnet's Residential Design Guidance states that two storey rear extensions which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable. This is because they can be too bulky and dominant, and have a detrimental effect on the amenities of neighbours.

Paragraph 14.24 precises that two storey rear extension need to ensure they do not lead to:

- loss of light to, and outlook from, windows and glazed doors positioned close to the extension
- unacceptable sense of enclosure to house and garden
- overbearing impact
- harm to the character or appearance of the property and area.

The property benefits from an existing basement of 2 metres high. The proposal would include a rear extension of 0.75 metre, similar to the ground floor. It would also lower the floor level to 1.5 metres below the existing floor level which is considered acceptable.

The proposed alterations to the front of the property would retain all of its main architectural features (principally the significance of the two storey front bay, front canopy/porch and the proportions of the front façade). The resulting dwelling would not appear incongruous within the streetscene or lead to an unbalancing effect on the pair of semi-detached dwellings. The proposed lightwell would not be dissimilar to those which are in existence on properties along the street and as such is not objectionable.

The property benefits from an existing terrace. The proposed rear terrace would not project further than the existing one and be set back from both side of the host property. It would remain a subordinate feature to the main dwelling and is considered acceptable. The proposed lower ground patio would project further than the stipulated 3 metres guidance but would primarily be situated below the proposed rear terrace. The proposed lower patio would be open to the elements and at a level approximately 1.5 metres lower than the level of the rear garden. The lower patio would thus be perceived as a feature of the rear garden, similarly to the adjoining site (no.9).

It is not considered that the proposed extensions would be disproportionate to the original dwelling and that the resulting dwelling would remain in keeping with the local area. It is not considered that the scheme would represent an over development of the application site.

The front of the site is currently hard surfaced and used for parking. The replacement of the existing hard surfacing as well as the erection of the part 1.8m high boundary fences proposed (reduced to 1 metre close to the highway) are considered acceptable. Two cars could adequately be parked on the front of the site and so it is not considered that the scheme would lead to an increased pressure upon on street parking or inhibit highways safety.

The new tiles would be install across the entire property and extensions which would even the appearance of the roof and is considered acceptable. Normally the alteration of roof tiles in themselves does not require planning permission and as such no objection to this part of the proposals could reasonably be made.

The re-landscaping to the side and rear of the site would represent an improvement to the existing site and as such there is no objection. The proposed boundary fencing towards the rear of the site would require express permission but would not appear out of keeping with the local area or visually obtrusive.

The proposed scheme is therefore not objectionable in terms of its impact upon the character and appearance of the application dwelling, streetscene or character of the local area.

Whether harm would be caused to the living conditions of neighbouring residents

It is considered that the changes to the approved scheme would have limited impact on neighbouring occupiers.

The size of the extensions are essentially the same as those previously approved.

The proposed ground floor extension would project 0.75 metre to be in line with the bay window at no.9. The proposed ground floor extension would project 0.75 metre beyond the rear building line at No.13. At first floor level, the proposed rear extension would project 2.8 metres beyond the rear elevation and would be set away from the shared boundary with the adjoining property by 2 metres. The proposed raised terrace would project a further 2.75-3 metres (beyond the rear building lines of both nos.9 and 13) and would be elevated due to the variation in levels. This terrace would however be set away 2 metres from the boundary with no.9 and a minimum of 4 metres from the boundary with no.13 and would include obscure glazed screening with a height of 1.8 metres along either side return. The proposed alterations to levels at the side of the property would lead to an increase in the height when viewed from no.13, however due to the lack of primary, clear glazed windows on the side elevation of this neighbouring dwelling (the side window to the rear habitable room would be considered to be a secondary window and the small ground floor side window and partially glazed door serve non-habitable rooms), the impacts of this element is not considered significant.

To the front of the property, the proposed alterations would not cause any impacts upon the living conditions of any neighbouring resident.

In order to ensure that the intensity of use within the site is not increased to a detrimental effect on local residents, a condition will be added ensuring that the proposed basement remains ancillary to the main dwelling and that the overall dwelling is retained as a single family dwelling house.

Light/Overshadowing

It is not considered that the proposals would harm neighbouring occupiers in terms of loss of daylight, sunlight, or the overshadowing of gardens.

Outlook/Visual Impact

Due to the scale, siting, design, and orientation of these proposed elements it is not considered that the residential amenities of any neighbouring resident would be impacted upon to a level of detriment as a result of the proposed works. This would include impacts upon outlook, sense of enclosure and visual impact.

Privacy

In order to ensure that the privacy of the neighbouring residents are protected conditions relating to the use of the flat roof; obscure glazing facing towards no.13; requirement to retain screening to the raised terrace and removal of PD rights relating to new first floor side windows to the proposed extension will be applied.

5.4 Response to Public Consultation

The objections raised by objectors are noted.

In regards to the proposal resulting in the overdevelopment of the site, the proposal makes the resultant development policy compliant and in line with the requirements of the adopted Residential Design Guidance. Besides, each application is judged based on its own merits; therefore it is not possible to judge an application based on the possible impacts of the others developments.

The increased depth of the basement would not harm neighbouring amenity through additional noise and disturbance through construction.

The proposed development is not considered to be out of character. Other properties have undertaken extension works. The scheme is considered to meet the stipulations of the Design Guidance and cause no harm to the amenities of neighbouring occupiers.

To prevent any loss of privacy and overlooking from the proposed development to the occupiers of No.13, a condition will be added requiring the proposed side windows to be obscure glazed. A condition would also be added to regarding the proposed screening around the terrace.

The proposals are considered to be an acceptable addition to the host property. As such, it is not considered that it will have a detrimental impact on the residential amenities of the neighbouring occupiers with regards to loss of light, overshadowing or overbearing.

The concerns raised regarding impact on structural stability are noted and acknowledged but it is a building control matter and does not constitute a reason for refusal.

The property is not located in a flood risk zone therefore, it is not anticipated that lowering the level of the basement would result in a flooding risk.

Until the draft Neighbourhood Development Plan has been formally adopted its prescriptions may not form a material consideration.

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

The proposed changes to the approved scheme approved previously by the committee are considered to be minor in nature and would have limited impact on neighbouring occupiers and the appearance of the area.

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.

