

Location **101 Station Road London NW4 4NT**

Reference: **18/0227/RCU** Received: 11th January 2018
Accepted: 24th January 2018

Ward: West Hendon Expiry 21st March 2018

Applicant: Mr S Kershaw

Proposal: Single storey side and rear extension (Retrospective application)

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 maintained in accordance with the following approved plans:

7950 SLP - Site location plan
7950/350 Rev. C - Proposed plans applications and section
101STA/L100/15;
101STA/PL300/15;
101STA/PL301/15;
101STA/PL302/15;
101STA/PL100/15;
101STA/PL101/15/A;
101STA/PL102/15/A.

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 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).

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

The site contains a semi-detached dwellinghouse converted to 4 no self contained flats. The property occupies an oblong shaped site set to the west side of Station Road, West Hendon ward. The site is not within a conservation area and does not involve any listed buildings.

The property is noted to have previously been extended at the side, rear and roof level with the addition of a side and rear dormer window.

Properties step down in ground level along Station Road, the host dwelling is noted to sit higher in level than neighbour to the south no.99, and to a broadly even ground level with its attached neighbour no.103.

The present application was initially invited by the Planning Enforcement team following complaint of the single storey rear extension built without planning permission.

2. Site History

Reference: 15/00533/FUL

Address: 101 Station Road, London, NW4 4NT

Decision: Approved subject to conditions

Decision Date: 7 April 2015

Description: Single storey side extension and conversion of a single family dwelling into 4 no. self contained flats, provision of off-street parking

Reference: 16/1346/FUL

Address: 101 Station Road, London, NW4 4NT

Decision: Refused

Decision Date: 5 May 2016

Description: Single storey rear extension including extension of existing rear patio. Increase of single storey rear extension height.

Reference: 16/6573/CON

Address: 101 Station Road, London, NW4 4NT

Decision: Approved

Decision Date: 20 October 2016

Description: Submission of details of condition 6 (Subdivision) pursuant to planning permission 15/00533/FUL dated 01/04/15

Reference: 17/6306/CON

Address: 101 Station Road, London, NW4 4NT

Decision: Approved

Decision Date: 15 November 2017

Description: Submission of details of condition 7 (Refuse/Recycling) pursuant to planning permission 15/00533/FUL dated 01/04/15

Reference: 17/7264/RCU

Address: 101 Station Road, London, NW4 4NT

Decision: Withdrawn

Decision Date: 5 January 2018

Description: Single rear extension with raised terrace, railings and access steps to garden level to ground floor flat. (Retrospective Application)

Reference: 18/0067/CON

Address: 101 Station Road, London, NW4 4NT

Decision: Approved

Decision Date: 25 January 2018

Description: Submission of details of condition 4 (Sound Insulation) pursuant to planning permission 15/00533/FUL dated 01/04/15

Reference: H/00869/14

Address: 101 Station Road, London, NW4 4NT

Decision: Refused

Decision Date: 29 July 2014

Description: Single storey side extension and conversion of existing single family dwelling into 4no. self contained flats, including alterations to side fenestration, hard and soft landscaping, cycle store and refuse facilities.

Reference: W14473C/07

Address: 101 Station Road, London, NW4 4NT

Decision: Unlawful

Decision Date: 22 June 2007

Description: Loft conversion (incorporating roof extensions).

Reference: W14473B/06

Address: 101 Station Road, London, NW4 4NT

Decision: Refused

Decision Date: 6 December 2006

Description: Conversion of property into 3 No. self-contained flats including two storey side extension, loft conversion including rear facing dormer window and off-street parking.

Reference: W14473A/06

Address: 101 Station Road, London, NW4 4NT

Decision: Refused

Decision Date: 16 August 2006

Description: Conversion of property into 3 No. self-contained flats including two storey side extension, loft conversion including rear facing dormer window and off-street parking.

Reference: W14473/06

Address: 101 Station Road, London, NW4 4NT

Decision: Withdrawn

Decision Date: 14 July 2006

Description: Conversion of property into 4no. self-contained flats including two-storey side extension, loft conversion including rear facing dormer window and off-street parking.

Reference: H/01777/09

Address: 101 Station Road, London, NW4 4NT

Decision: Unlawful

Decision Date: 14 July 2009

Description: Single storey rear extension.

Reference: H/01794/09

Address: 101 Station Road, London, NW4 4NT

Decision: Lawful

Decision Date: 6 November 2009

Description: Retention of rear / side dormer roof extension and loft conversion.

Reference: H/03530/09
Address: 101 Station Road, London, NW4 4NT
Decision: Approved subject to conditions
Decision Date: 20 November 2009
Description: Single storey rear extension.

3. Proposal

The application seeks permission to retain a single storey rear extension and side extension, which were both constructed as later additions to in-situ extensions which benefit from planning consent.

The rear addition projects a depth of 0.8 metres by a width 2.8 metres, with an eaves height of 2.5 metres and a maximum height of 2.7 metres above ground level. This is sited to adjoin the extension at the original outrigger.

The side addition projects a depth of 0.8 metres by a width of 1.9 metres, with an eaves height of 2.6 metres and maximum height of 3.2 metres above ground level. This addition is sited to the rear of a long side extension towards the common boundary with no.99 Station Road.

Both additions benefit from a flat roof design.

4. Public Consultation

Consultation letters were sent to 14 neighbouring properties.

10 representations were received within the consultation period, comprising 1 comment and 9 objections.

The representations can be summarised as follows:-

- Substantial works have been carried out without permission
- The extensions block light to neighbouring properties and habitable rooms
- Loss of privacy and direct overlooking
- Increase in noise at the rear of property
- Extensions project beyond the building line leading to loss of outlook
- Extensions are higher than should be permitted
- A rear extension has already been refused in 2016
- The property is overdeveloped and out of keeping with the surrounding area
- Previous approved plans were not adhered to
- Patio could be used as a foundation for later, further extension to property

The representations are discussed in section 5.4.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must

determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be

consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

Impact to the character and appearance of the existing building, the street scene and the wider locality

Any scheme for this 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 the development plan policies including DM01, and CS05 of the Barnet Local Plan (2012) and policies 7.4 and 7.6 of the London Plan (2016).

Single storey rear extension

It is noted that the property has been previously extended at the rear, per ref H/03530/09 dated 20 November 2009 which approved the in-fill extension between the original outrigger projection and the attached neighbour at 103 Station Road. The plans for this consent indicate at the point of this application, the outrigger had already been extended by 2.2 metres in depth by 3 metres width. By the passage of 4 years time, it is accepted that this structure is immune from enforcement action.

The proposed rear addition extends from the original outrigger at ground floor by a cumulative 3 meters in depth. In the case of semi-detached properties, the adopted Residential Design Guidance SPD (2016) recommends a maximum depth of 3.5m from the rear wall for single-storey rear extensions. The depth of the proposed rear addition, on balance, technically complies with this guidance and the proposed design is considered a subordinate and proportionate addition to the host dwelling.

Single storey side extension

The side extension approved under ref 15/00533/FUL was for a depth of 12.4 metres by a width of 2.1 metres by a height of 3.2 metres.

The built structure extends a depth of 13.2 metres by 2.1 metres along the side of the full depth of the original host dwelling and has a uniform height of 3.2 metres.

The side extension is less than half the width of the original dwellinghouse. It is noted that the as-built side extension does not project beyond the original or established rear building

line and therefore the additional depth is not considered to be harmful to the character and appearance of the host property.

The proposal is therefore, on balance, considered acceptable in terms of impact to character and appearance, and compliant with Policy DM01 in this respect.

Impact to amenities of neighbouring occupiers

It is imperative 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.

Properties step down in ground level along Station Road, the host dwelling is noted to sit higher in level than neighbour to the south no.99, and to a broadly even ground level with its attached neighbour no.103.

As discussed, the proposal complies with the depth ordinarily acceptable under the adopted SPD and which is considered to adequately protect the amenities of neighbouring occupiers.

It is noted that there is a 2 metre distance between the flank walls of the host dwelling side extension and no.99 Station Road. Given the degree of separation and the siting, and with regard had to the ground level difference, the as-built structure is considered to have adequate regard to the amenity of neighbouring occupiers of the non-attached property at no.99 Station Road. It is not considered that the extensions result in an unacceptable impact in terms of harmful reduction of light or outlook to principal windows of habitable rooms nor in increased sense of enclosure or overbearing to occupiers of this neighbouring property.

Regarding occupiers of the attached property, no.103, no undue impact is considered to arise from the rear extension due to its siting some 4.2 metres away from the common boundary with this property. The side extension does not extend beyond the established rear wall of the host site and as such no impact is considered to arise to the attached property at no.103. It is not considered that the extensions result in an unacceptable impact in terms of harmful reduction of light or outlook to principal windows of habitable rooms nor in increased sense of enclosure or overbearing to occupiers of this neighbouring property.

The proposal is therefore considered to have adequate regard to the amenities of neighbouring occupiers and to comply with DM01.

5.4 Response to Public Consultation

- Substantial works have been carried out without permission
Officer comment: The present application relates to the single storey rear and side additions which were beyond the approved plans.
It is noted that the rear terrace was included on the approved plans for ref 15/00533/FUL.
- The extensions block light to neighbouring properties and habitable rooms
Officer comment: The impact of the development on neighbouring amenity has been assessed in the body of the report.
- Loss of privacy and direct overlooking
Officer comment: The impact of the development on neighbouring amenity has been assessed in the body of the report.

- Increase in noise at the rear of property

Officer comment: The impact of the development on neighbouring amenity has been assessed in the body of the report. It is not considered that the retention of the single storey rear or side additions would be associated with increased noise to the rear of the property.

- Extensions project beyond the building line leading to loss of outlook

Officer comment: The impact of the development on neighbouring amenity has been assessed in the body of the report.

- Extensions are higher than should be permitted

Officer comment: The impact of the development on neighbouring amenity has been assessed in the body of the report. It is noted that the height of the side extension was considered acceptable when assessed under ref 15/00533/FUL. It is further noted that the height of the rear extension is built at a lower height than the original extension rear extension and no undue impact is considered to arise due to its scale and siting.

- A rear extension has already been refused in 2016

Officer comment: A single storey rear conservatory structure which proposed to extend to a significantly greater depth than the present scheme was refused in May 2016 under ref 16/1346/FUL on the basis of character of the property and harm to neighbouring amenities.

- The property is overdeveloped and out of keeping with the surrounding area

Officer comment: It is not considered that the retained additions have a detrimental impact to the character of the original property or surrounding area sufficient to warrant a refusal.

- Previous approved plans were not adhered to

Officer comment: It is recognised that approved plans have not been adhered to and the present application seeks to regularise the breach of planning.

- Patio could be used as a foundation for later, further extension to property

Officer comment: It is beyond the scope of this assessment to consider potential future developments and this is therefore not found to be a material consideration for the decision.

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 on balance 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.

