

Location **14 - 16 The Grove London NW11 9SH**

Reference: **18/1219/FUL**

Received: 23rd February 2018

Accepted: 2nd March 2018

Ward: Golders Green

Expiry 27th April 2018

Applicant: Mr Rabbi Brandis

Proposal: Two storey rear extension. Creation of basement level with associated front and rear light wells

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, drg.no.1a, drg.no.2a, drg.no.3a, drg.no.4c, drg.no.5c, drg.no.6c and drg.no.7c. (Plans received on 07/06/18).

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).

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 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).

- 5 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 first floor elevation(s), of the extension(s) hereby approved, facing no.12 and no.18.

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).

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 and the Applicant engaged with this prior to the submissions of this application. 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

This is a joint application for two semidetached dwelling properties located at 14 and 16 The Grove.

Both properties benefit from two storey original rear projection which is a characteristic feature of the properties in the area. Whilst no.14 has not undertaken a roof extension, no.16 has the benefit of a wrap round side/ rear dormer.

The properties on along this street are characterised by a mixture of single family dwelling houses and properties that have been converted into flats.

The site does not fall within a conservation area and the proposal property is not listed.

2. Site History

Reference: 17/7319/FUL

Address: 14 The Grove, London, NW11 9SH

Decision: Withdrawn

Decision Date: 18 January 2018

Description: Conversion of existing properties into 7no. self-contained flats including creation of a new basement level with light wells to front side and rear, two storey rear extension and associated alterations to roof. Provision of amenity space, refuse storage, cycle store and 5no. off-street parking spaces

Reference: 18/0997/192

Address: 14 The Grove, London, NW11 9SH

Decision: Lawful

Decision Date: 29 March 2018

Description: Extension to roof including, two side dormers and one rear dormer, 3no roof lights to front elevation

Reference: C11282A/05

Address: 14 The Grove, London, NW11 9SH

Decision: Lawful

Decision Date: 11 April 2005

Description: Alteration to roof including partial hip-to-gable conversion and rear dormer windows to facilitate a loft conversion.

Reference: 18/1000/192

Address: 16 The Grove, London, NW11 9SH

Decision: Lawful

Decision Date: 19 March 2018

Description: Extension to roof including, part hip to gable, two side dormers and one rear dormer, 3no roof lights to front elevation (amended description)

Reference: 15/06867/PNH

Address: 16 The Grove, London, NW11 9SH

Decision: Prior Approval Required and Refused

Decision Date: 26 November 2015

Description: Single storey rear extension with a proposed maximum depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 4 metres

Reference: 16/2434/191

Address: 16 The Grove, London, NW11 9SH

Decision: Lawful

Decision Date: 9 June 2016

Description: Roof extension involving rear and side wrap around dormer window with 2no. rooflights to front elevation to facilitate a loft conversion

Reference: 16/3821/FUL

Address: 16 The Grove, London, NW11 9SH

Decision: Approved subject to conditions

Decision Date: 25 August 2016

Description: Mrs S Bloomfield & Mr George Attwel Conversion of 2 no. self-contained flats into single family dwelling

Reference: 16/5846/PNH

Address: 16 The Grove, London, NW11 9SH

Decision: Prior Approval Not Required

Decision Date: 17 October 2016

Description: Single storey rear extensions with a proposed maximum depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 2.8 metres

Reference: C16485B/07

Address: 16 The Grove, London, NW11 9SH

Decision: Refused

Decision Date: 19 March 2007

Description: Removal of Condition 3 of planning permission C16485/05 dated 14.02.06 to allow permitted development rights.

Reference: C16485/05

Address: 16 The Grove, London, NW11 9SH

Decision: Approved subject to conditions

Decision Date: 14 February 2006

Description: Part single / part two storey rear extension in association with conversion of two flats into one single dwelling house.

Reference: C16485A/06

Address: 16 The Grove, London, NW11 9SH

Decision: Unlawful

Decision Date: 13 June 2006

Description: Conversion of two self contained flats into a single dwelling house.

3. Proposal

The proposal is for a part single, part two storey rear extension and the creation of a basement level with associated front and rear light wells.

Two Storey Rear Extension:

No.14 and no.16, each benefit from a two storey original rear projection measuring 4m in depth and 3.3m in width, with a gap of 5.1m between them. It has a hipped roof with eaves to match the eaves of the main roof and the ridge height of 7.8m, which is set down from

the main ridge by approximately 2.6m. Both extensions are set away from the boundary wall of neighbouring properties at no. 12 and no.18 by approximately 1.6m.

The single storey rear element will extend from this rear projection further into the garden by 3m, full width of the rear wall of both properties, replacing the existing rear projection at ground floor level. It will have an overall depth of 7m when measured from the recessed rear elevation. It will have a crown roof with an eaves height of 3m and a maximum height of 3.6m. The extension will be set back from the flank wall of the main house by approximately 1m and approximately 1.6m to the common boundary wall of the neighbouring boundary wall and approximately 2.2m to the flank wall of the neighbouring property at no.14 and no.18.

The first floor rear element will project a further 0.5m from the rear wall of the rear projection at no.14 and no.16, full width of the rear elevation. It will measure 4m in depth from the recessed rear elevation and will have an overall depth of 4.5m adjacent to the boundary wall of neighbouring properties at no.12 and no.18. It will set back from the flank wall of the main house by approximately 1m and approximately 1.6m to the common boundary wall of the neighbouring boundary wall and approximately 2.2m to the flank wall of the neighbouring property at no.14 and no.18.

The extension will have an eaves height of 5.7m, matching the eaves of the main roof and a maximum height of approximately 7.2m when measured from actual ground level. It will have a hipped roof that will join the main roof replacing the roof of the existing rear projection. It will be set down from the main ridge of the roof by approximately 3.1metres.

Basement:

The basement will be built under the footprint of the main dwelling and the proposed rear extension, full width, with a depth of 17.1m, a width of 13.7m and a height of 2.4metres.

It would include the creation of 1.no. light well to the rear approximately 1.5m in depth, 1no. to the side approximately 1.3m in depth and 1no. to the front approximately 1m in depth, to both properties. The light wells will be covered with grill flush with ground level, with planter beds approximately vegetation around them, screening them further.

4. Public Consultation

Consultation letters were sent to 46 neighbouring properties.

20 individuals have responded.

10 letters were received after the initial consultation, comments have been summarised below ;

- o Deficient Consultation
- o Plans inaccurately showing two car parking spaces in the absence of drop kerb
- o Plans of basement and rear extension are not available on the website
- o Works involving removal of front trees hedges, marking for crossover have already begun
- o Front lightwell not keeping with character of the street
- o Attempt to convert into flats
- o Information supplied to the immediate neighbours in connection with the necessary party wall agreement differ significantly from those submitted to the council.

- o Excavators and spoil-removal trucks for excavation will be a safety hazard to people (especially children) and to vehicles and damage pavements.
- o Without the required consultation this development is in breach of planning protocol & Human Rights
- o Concern the depth of the lightwell reduces the depth of the forecourt parking area with the result that cars will overhang the public footpath

Following a second consultation the 14 letters were received, comments have been summarised below;

- o Rear extension is extensive in terms of massing and is overbearing
- o Deficient Consultation
- o Plans inaccurately showing two car parking spaces in the absence of drop kerb
- o Plans of basement and rear extension are not available on the website
- o Works involving removal of front trees hedges, marking for crossover have already begun
- o Front lightwell not keeping with character of the street
- o Concern that cars will overhang onto the pavement to accomodate the lightwells
- o Attempt to convert into flats
- o Information supplied to the immediate neighbours in connection with the necessary party wall agreement differ significantly from those submitted to the council.
- o Excavators and spoil-removal trucks for excavation will be a safety hazard to people (especially children) and to vehicles and damage pavements.
- o Without the required consultation this development is in breach of planning protocol & Human Rights
- o Concern the depth of the lightwell reduces the depth of the forecourt parking area with the result that cars will overhang the public footpath

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 July 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 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.

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 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 April 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, streetscene and the wider locality;

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

5.3 Assessment of proposals

The properties benefit from two storey rear projections 4m deep, the proposals involves extending the single storey by a further 3m from this rear projection and a depth of 7m from the recessed rear elevation. The extension will set back from the flank wall of the main house by approximately 1m, approximately 1.6m to the common boundary wall of the neighbouring boundary wall and approximately 3.2m to the flank wall of the neighbouring property at no.12 and no.18.

Whilst it has been noted neighbouring property at no.12 and no.18 do not have the benefit of a rear extension, it is considered that the applicant could carry out a 3m deep single storey rear extension at the rear of the outrigger under permitted development.

Furthermore Barnet's residential design guidance states that a depth of up to 3.5m for a semidetached property is acceptable, as such the proposed bulk, size, design and siting of the single storey rear extension is not considered to have a detrimental impact on the neighbouring properties at no.12 and no. 18.

The single storey rear element is therefore not considered to harm the amenity of neighbouring properties at no.12 and no.18. It is noted that a couple of properties in the area have large infill rear extensions and as such this element of the proposal would not be considered to cause any significant harm to the character of the area or wider locality.

At first floor, the proposed extension will project a further 0.5m beyond the existing two storey rear outrigger at both properties. The extension will extend across the rear elevation of both properties and will infill the space between the two properties.

Whilst the proposal will project a further 0.5m beyond the rear projection at no. 14 and no.16, the proposed crown roof replaces the existing pitched roof at first floor level and is set down from the main ridge of the roof and this element of the proposal is set away from the neighbouring property as such it appear to be a subordinate addition.

Due to the siting, scale and design of the extension, the extension is not considered to have a detrimental impact on the amenities of neighbouring properties at no.12 and no.18 either. The extension is considered to be sufficiently set away and therefore this element of the proposal is not considered to have an unacceptable impact on these neighbouring property to an unacceptable level.

Furthermore, no adverse impact is envisaged on the neighbouring properties by way of overlooking and loss of privacy as there are no windows proposed on the flank walls of the extension the only window would be to the front of the side extension. Also it is not considered there would be any additional overlooking from the proposed rear windows than those already existing at the property. Therefore, refusal on these grounds is not considered justifiable.

Basement:

The basement will be built beneath the footprint of the main dwelling and the proposed two storey rear extension and would not be visible. The only external manifestation will be in the form of the light wells, however the light wells will be covered with grill flush with ground level, with planter beds approximately vegetation around them, screening them further. Due to its size, siting and discrete appearance the lightwells are not considered to harm the

character and amenities of neighbouring properties. The principle of a basement is acceptable, providing that the proposed lightwells are discrete.

The soil conditions for the basement are such that a Basement Impact Assessment is not required. The site is not within a flood risk zone.

Given the proportions and the relationship between the proposal and the neighbouring properties it is not considered that this scheme would be detrimental to the visual or residential amenities of the occupants of both neighbouring property. It would not cause harmful loss of privacy, loss of light or outlook.

5.4 Response to Public Consultation

- o Deficient Consultation
- o Without the required consultation this development is in breach of planning protocol & Human Rights

All the relevant neighbouring properties have been consulted. In this instance all neighbouring properties immediately adjoining the host property have been consulted as statutorily required.

Officers have considered the proposals against the Human Rights act and do not consider that the proposals would be in breach of this.

- o Plans inaccurately showing two car parking spaces in the absence of drop kerb
- o Concern the depth of the lightwell reduces the depth of the forecourt parking area with the result that cars will overhang the public footpath
- o Works involving removal of front trees hedges, marking for crossover have already begun

The trees and Hedges to the front of the property are not protected by TPO's and therefore the removal of these hedges and trees to the front of the property does not require planning consent.

The drop kerb does not form part of this application and is not a planning consideration. Crossovers and drop kerb applications are dealt with by the highways crossover team.

- o Inaccurate plans are online
- It has been noted that inaccurate plans with respect to the front elevation and front forecourt were received, however amended plans have been secured and the correct plans have been uploaded online.

- o Plans of basement and rear extension are not available on the website
- It was noted that due to a technical error that some of the plans, which included the basement and rear extension plans were not available to the public. In an attempt to rectify this error the LPA carried out a second consultation for a period of 21days.

- o Front lightwell not keeping with character of the street and will set precedence
 - o Concern that cars will overhang onto the pavement to accommodate the lightwells
- Each planning application is considered on its individual planning merits. The LPA's ability to consider any applications elsewhere would not be fettered by any decision in respect of this current application. The lightwells are considered acceptable, providing that the proposed lightwells are discrete. Furthermore the application is for the extensions and lightwells and not to create a hardstanding surface to park cars or for a dropcurb.

- o Attempt to convert into flats

The current application is only assessing the proposal for a two storey rear extension. Creation of basement level with associated front and rear light wells. Conversion of the property into flats would require a separate application.

- o Rear extension is extensive in terms of massing and is overbearing
The above concern has been mainly addressed in the body of the report.

- o Information supplied to the immediate neighbours in connection with the necessary party wall agreement differ significantly from those submitted to the council.
Party wall agreements and plans provided as part of these agreements are not a planning matter.

- o Excavators and spoil-removal trucks for excavation will be a safety hazard to people (especially children) and to vehicles and damage pavements.

The above concern is not a planning matter.

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 this proposal would comply with the Adopted Barnet Local Plan policies and guidance 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 therefore recommended for Approval.

