

Location **35 Hillside Gardens Edgware HA8 8HA**

Reference: **18/4143/HSE** Received: 4th July 2018
Accepted: 5th July 2018

Ward: Edgware Expiry 30th August 2018

Applicant: Mr Shimon Fhima

Proposal: Roof extension involving hip to gable, rear dormer window, 4no.
rooflights to front elevation to facilitate a loft conversion

Recommendation: Refuse

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 proposed roof extension in terms of the hip to gable enlargement and the rear dormer window, by reason of its size, siting and design would be inappropriate and result in an overly prominent and dominant development which is out of context with the prevailing character of the area and would introduce features detrimental to the character and appearance of the host property, streetscene, and wider locality 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 The plans accompanying this application are:

Location Plan
EX-SE01-pd
EX-PL01-pd
EX-EL01-pd
PR-PL01-pd Rev B

PR-EL01-pd Rev B
PR-SE01-pd Rev B

- 2 In accordance with paragraphs 38-58 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.

Officer's Assessment

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1. Site Description

The application site comprises a semi-detached property on the western side of Hillside Gardens. The host dwelling directly adjoins No. 37 Hillside Gardens. The surrounding area is characterised by residential dwellings.

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

2. Site History

Reference: 17/7551/HSE

Address: 35 Hillside Gardens, Edgware, HA8 8HA

Decision: Refused

Decision Date: 23 January 2018

Description: Roof extension involving hip to gable, rear dormer window, 4no. rooflights to front elevation to facilitate a loft conversion

Reference: H/00622/08

Address: 35 Hillside Gardens, Edgware, HA8 8HA

Decision: Approved subject to conditions

Decision Date: 29 May 2008

Description: Demolition of existing garage to side and erection of replacement single storey garage to side and front.

3. Proposal

This application seeks planning permission for a roof extension involving hip to gable, rear dormer window, 4no. rooflights to front elevation to facilitate a loft conversion

The hip to gable would measure a width of 3.8 metres x a depth of 7.1 metres and a height of 3 metres. The rear dormer window would measure a width of 8.9 metres x a depth of 4 metres and a height of 2.7 metres.

The total volume of the extensions taken together is approximately 61cu.m which exceeds the permitted development tolerance by 11 cu.m

4. Public Consultation

Consultation letters were sent to 7 neighbouring properties.

4 responses have been received, comprised of 4 letters of support which can be summarised as follows;

- Additional space required for growing family needs.

This application has been called to planning committee by Councillor Gordon.

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 applicant has submitted previously for a very similar roof extension. The previous application (17/7551/HSE) was refused by committee and the subsequent appeal dismissed (APP/N5090/D/18/3195187). The appeal inspector stated that "I find that the proposed roof extension would be harmful to the character and appearance of the area around Hillside Gardens, and that it would conflict with Policies in the Council's Core Strategy and Development Management Policies, as well as with guidance in the Supplementary Planning Guidance.

The main differences between the previously submitted scheme is that the proposed dormer is not set back 0.2 metres from the side elevation of the property extend to the ridgeline of the property. Officers do not consider that the proposed alterations to the scheme overcome officers or the appeal inspector's previous concerns. The proposal shall be analysed on its own merits below.

The proposal seeks to erect a hip to gable extension, rear dormer window and 4no. rooflights to the front elevation to facilitate a loft conversion.

The Residential Design Guidance SPD states that '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. However, in some cases, dormer windows may be out of keeping with the character of the area'.

The proposed loft conversion would require a hip to gable extension that would alter the roof form. After undertaking a site visit, officers noted that this section of Hillside Gardens is generally consistent with the surrounding roof slopes which all feature hipped roof forms. The existing roofscape is equally consistent in terms of roof form.

Other properties along Hillside Gardens, however, benefit from hip to gable extensions, granted under Lawful Development Certificates. This includes the closely located properties of No. 38 and No. 25, which was granted a partial hip to gable. Whilst the cumulative development of the hip to gable and rear dormer would be over the maximum 50 cubic metres, a hip to gable in isolation would be considered permitted development however as it would not be built in isolation, it must be considered for its impact on the character and appearance of the area which is considered to be disproportionate to the dwelling house and therefore incongruous in the area. The Inspector has stated that there are very few hip to gable type conversions along the road and whilst there are some examples of dormer extensions in the vicinity, none appear to occupy the whole of the relevant roof slope. The combination of proposals at 35 Hillside Gardens as submitted would result in a dominant top heavy appearance to the host property that would be harmful to its character.

The proposed dormer, which would be located to the rear elevation, would be the full width of the roof slope, including the proposed hip to gable extension, and extend very close to the ridge line and eaves level of the existing roof slope.

The dormer as proposed is contrary to the Residential Design Guide as a dormer extension should not occupy more than half the width or half the depth of the roof slope. Furthermore, to retain the balance of the house, the dormer roof extension should not normally be wider than the window below it and the dormer cheeks kept as narrow as possible. Therefore, it is considered that due to the sheer bulk and scale of the dormer window as proposed under this application, this part of the proposal would have a significantly detrimental impact on the character of the existing property, street scene and wider locality.

Furthermore, the appeal inspection under reference (APP/N5090/D/18/3195187) states in regard to the dormer that "In this case, the dormer would not be set in, it would not appear as a subordinate feature, and one of the windows in the dormer would not align with the relevant window below. For these reasons, I find that the proposal would fail to comply with guidance in the SPD." The applicant has shown a set in of 0.2metres from the side elevation of the house, however this is not considered for the resultant form to be a subordinate addition to the property. Furthermore, the proposed fenestration would still fail to comply with the relevant guidance in the SPD.

It is noted that there are some examples of roof alterations including dormer windows in Hillside Gardens, however, the majority of these have been granted lawful under permitted development and are smaller in scale. Dormers of this size appear uncharacteristic of the area. At No. 48 and No. 50 Hillside Gardens, it is noted that larger dormer windows are present but there are no planning records for these developments. No. 98 Hillside Gardens

also benefits from a wide dormer however, this was originally granted acceptable under a Lawful Development Certificate and then the subsequent planning application assessed the dormer as similar to that granted Lawful.

Furthermore, it is accepted that the property benefits from permitted development rights and may be able to construct roof alterations under Schedule 2, Part 1, Class B of the General Permitted Development Order. However, in this instance, the proposed hip to gable extension and rear dormer does not meet the cubic volume criteria of permitted development and therefore the applicant does not have a fall-back position. The rear dormer would measure a volume of 48 cubic metres whilst the hip to gable would measure a volume of 13 cubic metres. This would total an increase in roof space of 59.15 cubic metres when the volume of the partially sloped roof of the dormer is subtracted from the total volume of the roof space. This increase in roof space would be substantially above the criteria allowed under permitted development.

The proposed 4 no. rooflights to the front elevation benefit from permitted development rights as set out in Schedule 2, Part 1, Class C of the General Permitted Development Order and as such are considered to be an acceptable addition to the dwellinghouse.

The proposed roof extension involving a hip to gable extension, rear dormer window and front elevation rooflights to facilitate a loft conversion, would detract from the dwelling and the local streetscene and as such result in harm to the character and appearance of the area. Therefore the proposal is contrary to policy DM01 of the Adopted Local Plan Development Management Policies DPD.

Impact on Neighbouring Amenity

The host property at No. 35 Hillside Gardens seeks planning permission for a hip to gable extension, rear dormer window and 4 no. roof lights to the front elevation to facilitate a loft conversion.

The host property shares a party wall with the neighbouring property at No. 37 Hillside Gardens and is detached from the neighbouring property to the other side, No. 33 Hillside Gardens.

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 neighbour, No. 124 Green Lane, due to the private amenity space at the application site.

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 adjoining occupiers at No. 37 Hillside Gardens or the

adjacent neighbouring occupiers at No.33 Hillside Gardens 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

Comments regarding enlargement of dwelling for families growing needs, these are noted however do not overcome officer's concerns with regards to the application and its potential impact on the character of the area.

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.

8. List of Conditions in Case of an Appeal - Without Prejudice

In the event of an appeal, it is recommended that the following conditions are attached to the decision:

1. Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan

EX-SE01-pd

EX-PL01-pd

EX-EL01-pd

PR-PL01-pd Rev B

PR-EL01-pd Rev B

PR-SE01-pd Rev B

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. Standard Time Limit

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. Materials to match

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).

