

**Location**                                **7 Holders Hill Crescent London NW4 1NE**

**Reference:**                                **18/2029/HSE**                                Received: 30th March 2018  
Accepted: 4th April 2018

Ward:                                         Finchley Church End                                Expiry 30th May 2018

Applicant:                                    Mr Jayson Jayeraiah

Proposal:                                     Single storey side and rear extension. (Retrospective Application)

**Recommendation:** Approve subject to conditions

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

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

2018/HC/01A (site plan)  
2018/HC/02A  
2018/HC/03A  
2018/HC/04B  
2018/HC/05A  
2018/HC/06A  
2018/HC/07C

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).

- 3 The use of the outbuilding 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).

- 4 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 elevation(s), of the extension(s) hereby approved, facing 5 or 9 Holders Hill Crescent.

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 38-57 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. 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**

The application has been referred to committee by Councillor Greenspan so that Members can consider whether there is any loss of light to the neighbouring property.

The application was withdrawn from the agenda of the September meeting of this committee so that updated plans could be sought. Members did carry out a site visit.

### **1. Site Description**

The application site contains a semi-detached dwellinghouse, located on Holders Hill Crescent, which is a predominantly residential area. The property is not located within a conservation area, and is not listed.

The property has implemented the roof extension involving hip to gable, rear dormer window with 2no rooflights to front elevation which has a certificate of lawful development ref: 15/06146/192

Properties step down in ground level towards the rear of the site.

The current application was submitted following an enforcement investigation. a single storey side and rear extension, incorporating the merger of a pre-existing garage into a larger development without planning permission.

It is worth noting the garage received a certificate of lawful development ref: demolition of existing garage and erection of new single storey outbuilding.

The original plans submitted with the application did not included the roof extension. Amended plans have been submitted to reflect this.

### **2. Site History**

Reference: 16/1153/192

Address: 7 Holders Hill Crescent, London, NW4 1NE

Decision: Lawful

Decision Date: 17 March 2016

Description: Demolition of existing garage and erection of new single storey outbuilding

Reference: 15/06146/192

Address: 7 Holders Hill Crescent, London, NW4 1NE

Decision: Lawful

Decision Date: 16 October 2015

Description: Roof extension involving hip to gable, rear dormer window with 2no rooflights to front elevation

Reference: 15/07758/PNH

Address: 7 Holders Hill Crescent, London, NW4 1NE

Decision: Prior Approval Not Required

Decision Date: 25 January 2016

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 3.2 metres

### **3. Proposal**

The application seeks permission to retain a single storey side and rear extension, which was constructed following two separate applications, one for a rear extension under the larger home application ref: 15/07758/PNH - Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 3.2 metres. The other application was a certificate of lawful development ref: 16/1153/192 - Demolition of existing garage and erection of new single storey outbuilding.

The built rear extension has a depth of 6 metres across the full width of the property, with a maximum height of 3.2 m to a flat roof.

The outbuilding links to the rear extension which is not as approved. The dimensions of the outbuilding as approved was 11 metres in length, 2.6 metres in width and 2.5 metres in height with a flat roof and was shown to be used as a boiler room, Gym and Garden store. The outbuilding as built has a height of 3.5 metres to the front elevation with a dummy pitched roof, 3.2 metres to a flat roof and drops to 2.3 metres towards the rear with a width of 4.9 metres.

The outbuilding therefore has as an additional height of 1m to the front, 0.7 metres to the side where it adjoins the garage at no. 5 and an additional width of 2 metres. This is due to the outbuilding adjoining the rear extension.

### **4. Public Consultation**

Consultation letters were sent to 7 neighbouring properties. One response of objection has been received and can be summarised as follows:

- Overlooking
- Loss of light
- Concerns of conversion of the property into two separate homes, which would additionally impact on us in terms of parking and generally
- Plans for the retrospective planning application are not completely accurate
- Impact on amenity

Consultation has been carried out on the amended plans. Any comments received will be reported at the meeting.

The applicant has also submitted a response to the comment online as well as his own comments for the application which can be summarised below:

- The development as built is in line with others on the street
- The development has added prominence to amenity
- Neighbouring property has a similar development
- Overlooking from neighbouring development as they have clear patio doors facing application site

### **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 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 (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.

#### 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 the character and appearance of the existing building, the street scene and the wider locality**

Amended plans have been submitted to show site as existing including the roof extensions built as 'permitted development'.

Any scheme for this site will need to respect the character and appearance of the local area, relate appropriately to the site's 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 side and rear extension

It is noted that the property has previously applied for a prior notification application as mentioned above which was 'not required', as no objections were received and therefore the applicant could lawfully build a 6 metre deep extension to the rear. A separate application was submitted for the demolition of existing garage and erection of new single storey outbuilding. The depth of the outbuilding has remained the same. However the main change within this application is the width of the outbuilding which has extended up to a further 2 metres from what was approved. The extension as built still maintains a substantial distance of 3.9 metres from the boundary with no. 9 Holders Hill Crescent.

The area is characterised by similar rear extension. No. 9 holders Hill has a similar extension approved ref: C17050A/07 for Demolition of conservatory and garage and erection of single storey rear extensions.

The application has been assessed including the existing roof extensions, and cumulatively the development as built is considered to be acceptable and is not considered to cause harm to the character and appearance of the existing building, the street scene and the wider locality

### **Impact on 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.

The outbuilding as built has an increased height compared to the approved but has kept the same depth along the boundary with no. 5 Holders Hill Crescent. The increase in height is not considered to cause harm to this neighbouring property as the outbuilding is built alongside the garage at no. 5, and the outbuilding reduces in height to 2.5m as previously approved where it extends beyond the garage.

The outbuilding has been built to the same height as the rear extension. The outbuilding structure has a door and a window which faces the south elevation. Due to the change in levels at the site the outbuilding extension incorporates a staircase to give access to this structure. The top step is raised to 0.8 metres from the ground level. As this is only to allow access and not a terrace where activities such as sitting out could take place it is considered this would not give rise to overlooking into the garden of the neighbouring property at no.9 Holders Hill Crescent. Regarding occupiers of the attached property, no.9 no undue impact is considered to arise from the outbuilding extension due to its siting some 3.9 metres away from the common boundary with this property. 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 an increased sense of enclosure or overbearing appearance which is harmful to occupiers of this neighbouring property.

The rear extension is in keeping with the prior notification application as detailed above.

The proposal including the roof extensions are therefore considered to have adequate impact regard to the amenities of neighbouring occupiers and to comply with DM01.

#### **5.4 Response to Public Consultation**

- Overlooking -addressed within report
- Loss of light - addressed within report
- Concerns of conversion of the property into two separate homes, which would additionally impact on us in terms of parking and generally

Conversion of property into separate homes would require a planning application. A condition has been attached to the application to ensure the use of the outbuilding remains ancillary to the main house.

- Plans for the retrospective planning application are not completely accurate - following a site visit, the use is ancillary to the main house and a condition is attached to ensure this.

#### **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 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, subject to conditions.

