

Location **80 The Fairway London NW7 3HP**

Reference: **18/5817/RCU**

Received: 28th September 2018

Accepted: 1st October 2018

Ward: Hale

Expiry 26th November 2018

Applicant: Mr & Mrs Mohsen & Maryam Sabaei

Proposal: Roof extension involving hip to gable end, 2 no rear dormer windows and 3 no rooflights to the front elevation to facilitate the creation of 1 no self-contained studio flat. Associated refuse/recycling store (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:

- 301, 302, 303, 304, 305 and Site Location Plan.

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).

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. 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 host site comprises of a two storey hip roof semi-detached property. The site is located to the south of The Fairway, in Hale ward, which is predominantly residential in character. The host property is laid out as two maisonettes with front and side main entrances and has not been previously extended.

The site is not within a conservation area and does not contain any statutory listed buildings.

The majority of the properties along The Fairway are laid out as maisonettes with a mixture of both hip and gable-end roof designs. Sympathetic and proportionate rear dormer windows are in evidence along the street.

2. Site History

Reference: 16/2732/FUL

Address: 80 The Fairway, London, NW7 3HP

Decision: Refused

Decision Date: 6 July 2016

Description: Loft conversion involving hip to gable end, 2 no rear dormer windows and 3 no rooflights to the front elevation to facilitate the creation of 1 no self-contained residential dwelling. New ramp access to front entrance, and provisions for car parking and refuse

Reference: 16/4589/FUL

Address: 80 The Fairway, London, NW7 3HP

Decision: Refused

Decision Date: 16 September 2016

Description: Loft conversion involving hip to gable end, 2 no rear dormer windows and 3 no rooflights to the front elevation to facilitate the creation of 1 no self-contained studio flat. New ramp access to front entrance, and provisions for car parking and refuse

Reference: 17/3572/FUL

Address: 80 The Fairway, London, NW7 3HP

Decision: Withdrawn

Decision Date: 2 August 2017

Description: Part single part two storey rear extension (AMENDED)

Reference: 17/6775/FUL

Address: 80 The Fairway, London, NW7 3HP

Decision: Approved subject to conditions

Decision Date: 12 December 2017

Description: Roof extension involving hip to gable, 2no rear dormer window, 3no. rooflights to front elevation to facilitate a loft conversion

Reference: H/00971/08

Address: 80 The Fairway, London, NW7 3HP

Decision: Approved subject to conditions

Decision Date: 12 August 2008

Description: Loft conversion including side and rear dormer windows.

3. Proposal

Planning permission is sought for the following;

- Hip to gable extension to measure a depth of 4.45 metres along the ridge line, a height of 3.8 metres, the flank wall measuring 8.8 metres in width.
- 2no rear dormer windows to space a width of 2.3 metres of the enlarged roof, having a depth of 2.57 and height of 1.85 metres.
- 3no. rooflights measuring 0.9 metres by 0.9 metres to the front elevation.
- Creation of a 1 bedroom 1 person self-contained unit with a floor area of 37.83m²

4. Public Consultation

Consultation letters were sent to 77 neighbouring properties.

32 responses have been received comprised of 14 letters of objection and 18 letters of support.

The letter of objection can be summarised as follows;

- Concern regarding impact on parking stress along street and potential health and safety issues regarding children of nearby school.
- Concerns regarding increased noise and disturbance.
- Concern regarding design of roof, in particular colour of tiles contrary to prevailing character of street.
- Concerns regarding privacy issues posed by dormer windows.
- Concerns regarding rubbish on the green.
- Concerns regarding the impact on the architectural style and design of the Fairway and greater architectural details of intrinsic and historic value to the wider London area.

The letters of support can be summarised as follows;

- Provides affordable housing in difficult expensive London housing market.
- The roof tiles with weather over time
- National Planning Policy Framework (2018) supports the application.
- Noise issues within property are not a problem, new roof prevents issues in winter.

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

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, DM08, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the 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

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 the principle of flats is acceptable
- Whether the proposal would be a visually obtrusive form of development which would detract from the character and appearance of the street scene
- Whether harm would be caused to the living conditions of neighbouring and future residents
- Whether the proposals would have an acceptable impact on highway and pedestrian safety
- Whether there is a sufficient level of amenity for future occupiers
- Whether the development would be sustainable

5.3 Assessment of proposals

'The application has also been subject of a previous approval under a householder application reference 17/6775/FUL for Roof extension involving hip to gable, 2no rear dormer window, 3no. rooflights to front elevation to facilitate a loft conversion which was approved on the 12th December 2018. The roof extension proposed under this retrospective application is identical to the formerly approved scheme.'

This application is a retrospective application for the roof extension and conversion into one self contained flat.

Principle of Flats

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

Within Chapter 2 of the Core Strategy, which is a material consideration in the determination of this application, the Council state the following:

"The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flat accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate."

Policy DM01 states that conversion of dwellings into flats on roads characterised by houses will not normally be appropriate. It further states that the loss of houses in roads characterised by houses is not appropriate.

In the above context, it is noted that the application site at 80 The Fairway, currently contains a end of terrace dwelling which is split into two maisonettes. As aforementioned within the site description the fairway hosts a variety of different property types, however the majority are laid out as maisonettes. The principle of a self-contained unit was established under the previous refusal reference 16/4859/FUL.

The majority of the properties along The Fairway are laid out as maisonettes with a mixture of both hip and gable-end roof designs. Sympathetic and proportionate rear dormer windows are in evidence along the street.

On the basis of the above, it is considered that the principle of establishing flats on the application site would be supportable, as the street is not predominantly characterised by single family dwellings.

Impact on the character of the area

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).

The existing roof extension has facilitated a conversion of the loft space to accommodate the self-contained unit. The design of the roofs to properties along The Fairway vary between being hip and gable and therefore the principle of a gable-end roof is considered to have an acceptable impact on the character of the existing building and surrounding street scene.

Similarly, dormer roofs to the rear are considered to be an acceptable feature in the area. It is noted that planning permission has been historically granted for dormers to the rear and side of the host site (ref. H/00971/08 dated 12 August 2008). Similarly, Nos 54-56 The Fairway have in-situ rear dormers with planning consent (ref. W14590A/07 dated 26 February 2007), as well as at no.120 (ref. H/03991/11 dated 21 November 2011).

Paragraph 14.33 of the adopted Residential Design Guide SPD (2016) sets out the design considerations for dormer roof extensions that are ordinarily acceptable in Barnet. The proposed dormers are considered to be sympathetic and subordinate additions to the roof slope, sitting at half the depth and half the width. The dormers are aligned with the windows immediately below and there would be adequate roof slope above and below. The existing built roof extension has incorporated red clay tiles, which are brighter than the neighbouring properties existing roofs. However, clay tiles over time will weather and will result in a much darker appearance, as seen with surrounding properties who have not benefited from roof alterations/. As such officers consider the roof tiles to be acceptable.

The three rooflights on the front elevation are considered acceptable and will not have a detrimental impact on the character of the dwelling or area.

The roof extension is considered to be in broad conformity with the adopted SPD and to have an acceptable impact on the character and appearance of the existing building and its surrounding context.

Impact on the amenities of neighbours

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 rear dormers are not considered to give rise to an unacceptable impact on the amenity of neighbouring occupiers at no.74, the attached property to the west. Given that the host property is sited 6 metres forward of the non-attached neighbours to the east no. 82 and 84 (distance approximate from rear wall to rear wall), any impact from overlooking as a result

of the proposed dormers would be very limited. The impact on amenities of neighbouring occupiers is therefore considered to be acceptable.

Given their modest size and their siting, no adverse amenity impact is considered to arise from the rooflights to the front elevation.

The development has resulted in the creation of one self-contained flat. Policy DM01 of the Development Management Policies 2012 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. The flat is modest and accommodates 1 person with limited intensification of the site from its creation. Officers do not consider that as such the proposed flat would materially alter the character of the existing property, nor surrounding area and as such the proposal would be in accordance with the Development Plan.

On balance, the development is not considered not to harm the amenities of neighbouring properties.

Impact on the future occupiers

Section 8.4 of Barnet's Local Plan SPD: residential design guidance states: "in designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides reasonable level of privacy". In addition to this, section 2.4 of the SPD for sustainable design and construction states that "the impact of development on the availability of daylight / sunlight and privacy to the occupants of existing buildings and the occupants of new development is strongly influenced by design and contributes significantly to the quality of life. The amount of daylight available in buildings enhances people's quality of life and reduces energy use. The Mayor's Housing SPG standard 5.5.2 recommends that development should preferably have direct sunlight in living areas and kitchen dining spaces and all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Overheating should be considered when designing for sunlight".

The self-contained flat would be sized as follows;

Flat 1	Ground floor 1b1p	37.83sqm
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Table 3.3 of the London Plan (2016 MALP) and Barnet's policies and table 2.1 of Barnet's Sustainable Design SPD (Oct 2016) set out the minimum residential space standard requirements for new residential units. The required GIA for units is as follows:

- 1 bedroom unit for 1 persons on one floors requires 39sqm or 37sqm if a shower room is proposed.

All of the proposed flats meet and exceed the min. GIA requirements.

Floor to Ceiling Height

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling, although a floor to ceiling height of 2.5 metres is preferred.

All of the proposed flats meet this requirement.

The proposed internal stacking is considered appropriate and acceptable, helping to ensure a minimum of noise disturbance between the units. Sound insulation between units should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to the relationship both horizontally and vertically to neighbouring residential units. The applicant should achieve the required sound insulation levels; this will be secured by way of condition.

Amenity Space

Section 2.3 of the Sustainable Design and Construction SPD (2016) requires for flats a minimum of 5m² of outdoor amenity space per habitable room. In the case of the proposed a minimum of 5m² should be provided. In this instance, the proposed flat does not include any provision of outdoor amenity space. However, officers consider that given the close proximity of Stoneyfields Park (0.3 miles) that lack of provision in outdoor amenity space is acceptable.

Overall, it is considered that the proposals would not harm the visual or residential amenities of future residents or neighbouring occupiers.

Refuse and Recycling

A condition shall be attached to satisfy the number of bins, storage and collection point and details of enclosures and screened facilities for refuse storage. The bin storage area should be located within 10 metres of the public highway. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements.

Traffic and Parking

The site is located within a PTAL rating of 0 (with 0 being low and 6 being high) indicating poor public links to public transport.

Policy DM17 sets out the parking requirements for new developments. In accordance with policy DM17, 1 bedroom units require 0- 1 parking spaces. The application does not provide any parking spaces however the council's internal Traffic and Highways team have assessed the application and consider that the surrounding streets would be able to support the parking of one additional vehicle and therefore consider the proposal acceptable on highway grounds, in accordance with Policy DM17 of the Development Management Policies DPD.

Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition will be attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 6% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPD's requirements and a condition will be attached to ensure compliance with these Policies.

In terms of water consumption, a condition would be attached in the event planning permission is granted to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

5.4 Response to Public Consultation

Consultation letters were sent to 77 neighbouring properties.

32 responses have been received comprised of 14 letters of objection and 18 letters of support.

The letter of objection can be summarised as follows;

- Concern regarding impact on parking stress along street and potential health and safety issues regarding children of nearby school; officers do not consider that potential of one additional vehicle by the studio flat would be acceptable on highway grounds and do not consider the proposal to result in any additional risk to the health and safety of school children.
- Concerns regarding increased noise and disturbance; this has been assessed within the main part of the report.
- Concern regarding design of roof, in particular colour of tiles contrary to prevailing character of street; this has been discussed within the main part of the report.
- Concerns regarding privacy issues posed by dormer windows; this has been assessed within the main part of the report.
- Concerns regarding rubbish on the green.; this is not a material planning consideration within this proposal.
- Concerns regarding the impact on the architectural style and design of the Fairway and greater architectural details of intrinsic and historic value to the wider London area; officers have addressed the character and impact of the development within the main part of the report.

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The letters of support can be summarised as follows;

- Provides affordable housing in difficult expensive London housing market; comment of support noted.
- The roof tiles with weather over time; comment of support noted and discussed within main part of report.
- National Planning Policy Framework (2018) supports the application; comment of support noted.
- Noise issues within property are not a problem, new roof prevents issues in winter.; comment of support noted.

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 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.

