

Location **37 Cheviot Gardens London NW2 1QD**

Reference: **18/6271/HSE**

Received: 19th October 2018

Accepted: 22nd October 2018

Ward: Golders Green

Expiry 17th December 2018

Applicant: Mr & Mrs Justin and Theodora Nathan

Proposal: Part single and part two storey side and rear extension. Roof extension including hip to gable, rear dormer window, 3no rooflights to front roof slope

Recommendation: Refuse

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 proposed part two storey side and rear extension and roof extension including hip to gable and rear dormer window, by reason of their size, design and siting would result in an incongruous and awkward form of development which would not appear subordinate in scale, and would be overbearing and visually obtrusive to the detriment of the character and appearance of the host property, streetscene and the surrounding area contrary to policy CS5 of the Barnet Local Plan Core Strategy (2012) and policy DM01 of the Barnet Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2016).

Informative(s):

- 1 The plans accompanying this application are:

Existing:

Block Plan Rev 01

Site Plan Rev 01

Ground Floor Plan Rev 01

First Floor Plan Rev 01

Sections AA and BB Rev 01
Sections CC and DD Rev 01
Roof Plan Rev 01
Front and side 1 elevation Rev 01
Rear and side 2 elevation Rev 01

Proposed
Block Plan Rev 02-WIP
Ground Floor Plan Rev 02-WIP
First Floor Plan Rev 02-WIP
Roof Plan Rev 02-WIP
Second Floor Plan Rev 02-WIP
Sections AA and BB Rev 02-WIP
Sections CC and DD Rev 02-WIP
Front and side 1 elevation Rev 02-WIP
Rear and side 2 elevation Rev 02-WIP

Design and Access Statement

- 2 In accordance with paragraphs 38-57 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. The LPA has discussed the proposal with the applicant/agent where necessary during the application process. Unfortunately the scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

- 3 The applicant is advised that any future application should be designed so that there is no eaves overhang over the public highway.

Officer's Assessment

The application has been referred to the committee by Councillor Zinkin who believes the committee need to consider the way in which planning policies are currently being interpreted by officers in this application.

1. Site Description

The application site is a two storey semi detached single family dwellinghouse located on the southern side of Cheviot Gardens. The property is bounded by a footpath along the northern boundary of the site which links Cheviot Gardens to The Vale. It has not been extended and benefits from a modest sized rear garden and hardstanding to the front of the property. The character of the area is predominantly residential in nature.

There are no local designations and the property is not listed or located within a Conservation Area.

2. Site History

Reference: 18/3500/HSE

Address: 37 Cheviot Gardens London NW2

Description: Part single and part two storey side and rear extension. Roof extension including hip to gable, 1no rear dormer window, 3no rooflights to front roof slope

Decision: Refusal

Decision Date: 09.08.2018

Reason for refusal:

"The proposed part single and part two storey side and rear extension and roof extension including hip to gable and rear dormer window, by reason of their size, design and siting would result in an incongruous and awkward form of development which would not appear subordinate in scale, and would be overbearing and visually obtrusive to the detriment of the character and appearance of the host property, streetscene and the surrounding area contrary to policy CS5 of the Barnet Local Plan Core Strategy (2012) and policy DM01 of the Barnet Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2016)."

Reference: C00081A

Address: 37 Cheviot Gardens London NW2

Description: Conversion of loft into boxroom

Decision: Approve

Decision Date: 22 September 1966

Reference: C00081

Address: 37 Cheviot Gardens London NW2

Description: Erection of garage with bedroom and toilet over

Decision: Approve subject to conditions

Decision Date: 24 June 1965

3. Proposal

The applicant is applying for planning permission for the erection of part single and part two storey side and rear extension. Roof extension including hip to gable, 1no rear dormer window, 3no rooflights to front roof slope.

Since the previously refused application the applicant has reduced the single storey full width extension from 4.6m to 3.5m in depth, set back the first floor 0.5m from the front building line and down 0.1m from the ridge of the roof of the existing dwelling.

The proposed rear dormer has been marginally reduced; the rear dormer being reduced by approx. 1.2m in width, 0.1m in height and 0.2m in depth.

- The proposed single storey side and rear extension would extend full width and 3.5m in depth from the original rear wall. It would be built up to the northern boundary of the site and provide for an enlarged kitchen and dining area.
- The proposed first floor side to rear extension will be built up to the northern boundary and be built up to the front building line of the main house at ground floor, set back 0.5m at first floor. The proposed first floor side to rear extension would be set down 0.1m from the ridge of the main roof. The rear first floor element would have a flat roof.
- The proposed rear dormer spans across a significant proportion of the width of the existing roofslope. It will provide for a bedroom, en-suite and dressing rooms. The rear dormer incorporates a set of sliding doors in the rear elevation. The extended roof would incorporate a gable end roof form.

4. Public Consultation

Consultation letters were sent to 6 neighbouring properties.

1 letter of support was received stating that there would be no impact on the neighbouring property and the application is supported in its entirety.

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 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 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, streetscene and the wider locality;

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

5.3 Assessment of proposals

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.

The Council's SPD 'Residential Design Guidance' states that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. The Council's guidance advises that 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.

Planning permission is sought for the erection of part single and part two storey side and rear extension. Roof extension including hip to gable, 1no rear dormer window, 3no rooflights to front roof slope.

According to paragraph 14.21 of the Residential Design Guidance, 2016 "the depth of a single storey rear extension, normally considered acceptable for semi-detached properties is 3.5m. The amended proposed 3.5m deep single storey side to rear extension, will appear subservient to the main house and respects the character of area. It is considered acceptable as it is in accordance with paragraph 14.21 of the adopted Residential Design Guide, 2016.

Amendments have been requested to the proposed plans, in order to ensure compliance with paragraphs 14.15, 14.16 and 14.17 of the adopted RDG but these have not been forthcoming. These advise that first floor side extensions should normally be set back 1m from the front building line, be set in 1m from the side boundary and be set down at least 0.5m from the ridge of the main roof. Paragraph 14.26 states that flat roofs on two storey rear extensions are not normally acceptable because they do not relate sympathetically to the house.

The first floor extension would be built up to the northern boundary of the site, be set back 0.5m from the front building line of the main house and be set down 0.1m from the ridge of the main roof. The two storey part of the rear extension would have a flat roof. Therefore, the proposal is contrary to paragraphs 14.15, 14.16, 14.17 and 14.26 of the adopted RDG. The reason for the requirement to set first floor side extensions in 1m from the boundary is normally to avoid a terracing effect between properties. In this case, given the property abuts a footpath, it is considered that building up to the edge of the footpath would create a significant sense of enclosure and appear oppressively overbearing to users of the footpath.

It is considered that the proposed first floor extension in terms of its siting, depth and design built up to the northern boundary of the site, would be unsympathetic to the design of the existing property, represent an incongruous and overbearing development which would be visually obtrusive, causing demonstrable harm to the visual amenities of the immediate streetscene and surrounding area. There are no other examples of similar large first floor rear extensions in the area such that the proposal is considered detrimental to the character and appearance of the dwelling, the streetscene and the wider locality.

With regard had to paragraph 14.33 of the RDG, roof extensions should not exceed more than half the width and depth of the main roof slope. Also, attention should be paid to such matters as the shape and height of extensions, the roof and design of windows which should reflect the proportion of windows on the lower levels. The proposed rear dormer including hip to gable would be extended across almost the entire width of the original roof and to the side of the original hip roof of the property. Paragraph 14.35 states that, in relation to hip to gable roof extensions, the gable should not unbalance a pair of semi-detached houses, should not reduce the degree of visual separation between houses, should not form an overbearing wall facing a street ... or other public place and should not appear out of character within the streetscene. The other half of the pair of semi-detached properties is unextended at roof level and the roof extensions would unbalance the pair of properties, contrary to the RDG. It would not appear sympathetic to the existing roofslope of the main house and as such, would detract from the character of the pair of properties, the streetscene and wider locality, contrary to the adopted RDG.

It is considered that the overall cumulative massing, scale and design result in an unduly obtrusive and overly dominant form of development which is out of keeping with the established character of the surrounding area and would appear overbearing and visually obtrusive contrary to council policies and guidance.

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

Attached property no 39 to the south of the application site has built an existing modest sized single storey rear extension. The proposed single storey side to rear extension will not extend beyond the existing extension at no 39. Further, as it is at single storey level and given its minimal depth of 3.5m, it will not result in any significant impact on the amenities of occupiers at no 39.

It is noted that the proposed first floor side to rear extension is sited on the opposite of the dwelling along the northern boundary of the site. Given its siting and adequate 3m separation distance, it would not appear overbearing or harm the amenities of occupiers at no 39.

No 35 lies to the north and is separated via a public footpath. Given the adequate 2-3m separation distance, it is considered that the proposed development will not have a detrimental impact on the amenities of occupiers at no 35.

The proposed rear dormer and its sliding patio doors are positioned approximately 37sqm from the nearest residential dwellings located on The Vale. Upon consideration of the above, the proposed rear dormer will not harm the amenity of neighbouring occupiers.

The proposed development is considered acceptable in terms of potential impacts on residential amenity.

5.4 Response to Public Consultation

N/A

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 visual amenities of the immediate street scene, and the general locality. This application is therefore recommended for REFUSAL.

