

Location **22B The Broadway London NW7 3LL**

Reference: **19/1131/FUL** Received: 26th February 2019
Accepted: 27th February 2019

Ward: Mill Hill Expiry 24th April 2019

Applicant: Mr Franchi

Proposal: Roof extension involving new green roof and insertion of front and rear windows and new side gable window

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:
CS01/TP/01 Existing and Proposed Ground Floor Plan and Location Plan
CS01/TP/02 Existing and Proposed Front and Rear Elevation
CS01/TP/03 Existing and Proposed Side Elevation
CS01/TP/04 Existing and Proposed Section A-A
CS01/TP/05 Streetscene Elevation Front and Rear
CS01/TP/06 Existing and Proposed Roof and Proposed First Floor Plan
CS01/TP/07 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).

- 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 green flat roof 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).

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 application site relates to a one-storey detached residential dwelling situated to the rear of a parade of commercial shops on the south side of The Broadway, Mill Hill. The property was initially in use as an office (B1), however this was changed to a residential unit (C3) under Prior Approval on 10.10.2018, under application ref. no 18/3177/PNO.

To the rear, the application site abuts a service road which lies adjacent to a row of terraced properties on Brockenhurst Gardens, to the south. Given the siting of the application site, the host dwelling receives a degree of obscurity from the public domain.

The character of the general locality is largely mixed, consisting of commercial premises along The Broadway, two-storey residential properties along Brockenhurst Gardens and examples of self-contained flats in the immediate vicinity.

The application site is not situated within a conservation area, contains no listed buildings and is not subject to any other relevant planning restrictions.

2. Site History

Reference: 18/3177/PNO

Address: 22B The Broadway, London, NW7 3LL

Decision: Prior Approval Required and Approved

Decision Date: 10 October 2018

Description: 1 Change of use from Class use B1 (office) to Class Use C3 (residential) to provide 1 unit

Reference: W02868H/02

Address: 22B The Broadway, London, NW7 3LL

Decision: Refused

Decision Date: 23 July 2002

Description: Loft extension incorporating a mansard roof involving an increase in roof height, front facing dormer windows, also alterations to roof of rear extension involving a decrease in height to form a flat roof.

Reference: W02868G/01

Address: 22B The Broadway, London, NW7 3LL

Decision: Refused

Decision Date: 13 December 2001

Description: Loft extension to rear, creating mansard roof with rear dormer windows.

Reference: W02868J/03

Address: 22B The Broadway, London, NW7 3LL

Decision: Deemed Refusal (Appeal)

Decision Date: 13 May 2004

Description: Alterations to roof including mansard style extension and new flat roof over rear to provide additional office space at first floor level.

3. Proposal

Planning permission is sought for a roof extension involving new green roof, raising the height of the main roof ridge, to incorporate a gambrel roof design. Insertion of front and rear roof windows and 2no. new side gable windows.

The maximum height of the existing dwelling measures 4.60 metres, when measured to the highest point of the roof ridge and eaves height of 3.2 metres. Within this application, the roof would be raised to a maximum height of 5.35 metres, incorporating a gambrel green roof design.

The changes to the fenestration include:

- 3no. roof windows to the front roof slope.
- 1no. roof window to the rear roof slope.
- 1no. side gable window on the east elevation.
- 1no. side gable window on the west elevation.

4. Public Consultation

The Local Planning Authority notified ten adjoining properties and received five objections and 4 comments in support of the application.

Summary of comments include;

- o No objections to the development - no significant loss of light/outlook will occur.
- o Positive contribution to local area.
- o Reduce crime and anti-social behaviour.
- o Good use of space.
- o Minimal external alterations.

Summary of objections include;

- o Privacy concerns.
- o Detrimental to amenity of neighbouring occupiers.
- o Fire hazard.
- o Overlooking.
- o Overbuilt service lane.

5. Planning Considerations

5.1 Policy Context

Revised 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 Revised National Planning Policy Framework (NPPF) was published on 19th February 2019. 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 Revised 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 Revised 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.

The Mayor's Draft London Plan

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.
- 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, 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 Character

Any proposed 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 Barnet Local Plan), 7.4 and 7.6 (both London Plan). DM01 helps to protect Barnet's Character and amenity stating that development should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Barnet's Residential Design Guidance outlines that additional, useable space can sometimes be create by converting roof space, providing this is carried out sympathetically. Within this application, the highest point of the existing roof is to be increased in height by 0.75 metres, to incorporate a gambrel green roof design. Given the modest height increase it is not found that the development would result in demonstrable harm to the character of the original property or general locality.

Following the benefit of a site visit and an examination of aerial photography it was noted that the character of the surrounding buildings is largely mixed and given the siting of the application site, positioned to the rear of No.22 The Broadway, abutting a service lane and Brockenhurst Gardens to the rear, the property receives a degree of obscurity from the public domain, which mitigates impacts onto the character of the locality, which is itself largely mixed.

On the north and south elevations of the roof, the application proposes natural Spanish slates. Given that these materials would match the existing it is considered that this element would adequately integrate with the original dwelling.

With regard to the introduction of the green roof element, proposed on both the gambrel roof and flat roof, whilst it is acknowledged that similar roof styles do not exist in the immediate vicinity. Green roofs by nature, have minimal maintenance and are considered environmentally friendly. Given that the application site is sufficiently enclosed by No.22 The Broadway to the north west, and Brockenhurst Gardens to the south east, the introduction of this roof form although unusual, by virtue of its siting, is not found to adversely impact the largely mixed character of the surrounding area.

Barnet's Residential Design Guidance outlines that windows on roof slopes should be carefully positioned in order not to impact detrimentally or disfigure the appearance of a building. It goes on to suggest that it is preferable to position these windows on rear roof slopes.

Within this application, 3no. roof windows are proposed on the front roof slope of the dwelling and 1no. roof window on the rear roof slope.

Whilst the Design Guidance suggests it is preferred if windows proposed on roof slopes are positioned to the rear of properties, this is likely to be designed to minimise the perceived visual impact of these windows on the streetscene. As highlighted previously, the application site is obscured from the public domain and as such the impact of the proposed roof windows on the character of the local area is considered de minimis.

Taking into consideration the siting of the application site which is sufficiently enclosed by surrounding buildings, coupled with the perceived subordinate nature of the works it is considered that the proposal would not result in detrimental harm to the character of the host dwelling, streetscene or wider locality in compliance with Policy DM01 of Barnet's Local Plan 2012.

Impact on neighbouring Amenity

It will be important that any scheme addresses the relevant development plan policies including DM01 (of the Barnet Local Plan), 3.5 (of the London Plan) and the guidance contained in the Barnet Supplementary Planning Documents 'Sustainable Design and Construction' and 'Residential Design Guidance.' In respect of the protection of the amenities of neighbouring occupiers, this will include taking a full account of all neighbouring sites.

The application site exists to the rear of No.22 The Broadway, which forms a row of commercial premises residing on The Broadway. To the rear, the application site abuts a service road, which itself backs on to a row of terraced properties relating to Brockenhurst Gardens. To the east, the application site shares a common boundary with No.24 The Broadway. To the west, the host site shares a boundary with No.20 The Broadway and the store at the rear of No.16 The Broadway.

In reference to the increased maximum roof height of the dwelling, given the minor increase of less than a metre it was considered that only the properties within the immediate vicinity of the application site would be affected, should this proposal garner approval. The nearest buildings to the application site, namely the store at the rear of No.16 The Broadway and the outbuilding to the rear of No.24 The Broadway are not currently in use as dwellinghouses and appear to be garages/store rooms that do not benefit from windows. This is significant in that the marginal roof height increase would not result in a loss of light or outlook to windows serving a habitable room, given the nature of the surrounding buildings. Thus, it is not found, by virtue of its scale, mass, bulk and siting, that the proposal would result in any

demonstrable harm to the amenity of neighbouring occupiers by way of a loss of light or outlook.

The rear elevations of Nos. 12 and 14 Brockenhurst Gardens, exist approximately 18.0 metres from the proposed development. Given this substantial separation distance, coupled with the vegetation which exists on the shared boundary with the service road and that the proposed windows are to be fixed obscure glazed, it is not found that the proposed alterations to the roof height and insertion of 3no. rear windows on the roof slope would result in a detrimental loss of light, outlook or give rise to harmful levels of overlooking.

With regard to the proposed side gable window on the west elevation, as mentioned previously the buildings which lie adjacent to the proposed development, to the west, are not in use as dwellinghouses and thus do not benefit from windows. As such, it is not found that the introduction of this window would lead to a loss of privacy.

To the east of the application site, No.26 The Broadway benefits from a two-storey rear building which adjoins to the row of commercial premises on The Broadway. This building benefits from windows on its west elevation, at both ground and first floor. However, given the height of this building in comparison with the positioning of the proposed side gable window on the east elevation of the host property, coupled with the separation distance of approximately 9.0 metres it is not found that the introduction of this gable window would result in a detrimental loss of privacy to this neighbouring occupier.

As part of the flat roof would be covered with vegetation, it is imperative that access to this roof to be used as a roof garden is completely restricted. Thus should this proposal garner approval, a condition will be applied to the development to ensure that the roof should only be used in connection with the repair and maintenance of the building and should at no time be converted or used as a balcony, roof garden or similar amenity or sitting out area. This condition is required to ensure that the amenities of neighbouring occupiers of adjoining properties are not compromised by way of overlooking.

In assessment, it is considered the proposed developments do not demonstrate significant amenity concerns regarding loss of light, privacy or outlook and is therefore compliant with policy DM01 of Barnet's Local Plan 2012.

5.4 Response to Public Consultation

Privacy concerns.

Addressed within the main body of the report.

Detrimental to amenity of neighbouring occupiers.

Addressed within the main body of the report.

Fire hazard.

This was not considered a material planning consideration when assessing this application. However, given the subordinate nature of the works to the property it was not considered that the proposed development would result in a fire hazard.

Overlooking.

Addressed within the main body of the report.

Overbuilt service lane.

Given the modest scale of alterations to the dwelling, it is not considered that the development would contribute to the overbuilt service lane.

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.

