

Location **Ground Floor Flat 49 Woodland Way London NW7 2JP**

Reference: **19/3742/RCU** Received: 5th July 2019
Accepted: 23rd July 2019

Ward: Mill Hill Expiry 17th September 2019

Applicant: Mrs Evelie Dawson

Proposal: Single storey 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: 100.01-300, 100.01-301, 100.01-301B, 100.01.302.

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).

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 consists of a two storey end of terrace building on the western side of Woodland Way. The property is located in a residential area. The M1 is located to the rear of the site and Mill Hill Broadway railway station. The property has previously been converted into two self contained flats.

A rear extension has been constructed at the property constituting an implementation of the planning permission set out below. The extension wraps around a two storey rear rear projection and has been finished with a flat roof over the whole extension rather than a part monopitch roof and a part flat roof. The extension projects 4.6m along the boundary with 47 Woodland Way and projects 2.19m from the rear of the two storey rear projection along the boundary with 51 Woodland Way.

Both the neighbouring properties at 47 and 51 Woodland Way have been extended at the ground floor level.

The site is not located in a conservation area and the building is not listed.

2. Site History

Reference: 16/0735/FUL

Address: 49 Woodland Way, London, NW7 2JP

Decision: Approved subject to conditions

Decision Date: 11 April 2016

Description: Single storey rear extension to the ground floor flat

No planning history exists for the conversion of the property into two self contained flats.

3. Proposal

This application seeks retrospective planning permission for a single storey rear extension. The rear extension has a depth of 4.6 metres from the rear wall of the dwellinghouse as existing (original rear building line). The extension covers the width of the dwellinghouse. It has a flat roof with a height of approximately 3.5 metres including raised rooflights. This falls to 2.9 metres at the eaves of the extension slopes downwards.

4. Public Consultation

Consultation letters were sent to 11 neighbouring properties. A total of 7 responses were received by the end of the consultation period. It can be summarised as follows:

- The extension deviates from the plans as it has been built with a flat roof with a rooflight rather than a pitched/sloping roof as originally proposed.
- The extension causes a loss of outlook for the residents at the First Floor flat.
- The height of the extension which is 3.5 maximum height, along with the large size, the depth being 4.6 metres.
- The extension is not in character with the neighbourhood due to the flat roof.

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

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 London Plan is currently under review. 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 adopted 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 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 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

The host dwelling is a two-storey end of terrace dwellinghouse on Woodland Way. The area is predominantly residential and is characterised by short terraced rows of dwellinghouses, with the M1 to the rear of the property. Most of the dwellings on Woodland Way have been extended by way of single storey rear extensions.

The host dwelling is a part of a dwellinghouse that has been converted into 2 flats, a Ground Floor Flat and a First Floor Flat. The Ground Floor Flat had previously received planning permission to build a single storey rear extension; 16/0735/FUL. The approved extension had been constructed, however, its construction has deviated from the original approved plans whereby the monopitch roof in part has been replaced with a flat roof and a rooflight. The result is that the proposed extension is 0.6m higher than the approved extension.

This planning application seeks to retain the deviation from approved plans.

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality.

Paragraph 131 of the NPPF states that 'in determining applications, local planning authorities should take account of the desirability of new development making positive contribution to local character and distinctiveness.' Thus, any proposal should respect the local character and either preserve or enhance it. This is compliant with policies DM01 and CS05 of the Local Plan DPD.

With regards to the flat roof and the rooflight, many of the neighbouring properties have similar single storey rear extensions with flat roofs and complimentary rooflights, therefore this is not out of character and is in keeping with the neighbouring properties, thus complying with policy DM01 and CS05 of the Local Plan DPD. Although the build deviates from the plans in terms of the roof, it is not considered that the flat roof is not in character with the neighbouring properties and so it would not have an unacceptable impact in terms of the appearance of the host property or the local character. The extension does not appear as a disproportionately high or large structure. The roof is a very similar height to most of the neighbouring single storey rear extensions, as for the depth this is not considered to have a harmful impact in terms of character as many of the neighbouring properties have single storey rear extensions of a similar depth or larger. For these reasons, it is not thought to be considered as overbearing. Taking into account all material considerations, despite the deviation from the plans with regards to the flat roof being built rather than a monopitch roof, it is not found that the extension would cause unacceptable harm to the appearance of the host

dwelling or the local character. As such, it would comply with Policies DM01 and DM02 of Barnet's Local Plan.

Whether harm would be caused to the amenity of neighbouring occupiers

Policy DM01 of the Local Plan states that any schemes must protect the amenity of neighbouring residents. It is necessary to assess the impact of all new development on neighbouring amenity, including impact on light, outlook, privacy and causing a feeling of overbearing.

A major consideration for this single storey rear extension was that the outlook for the residents at 49A Woodland Way were affected in that they could no longer see the garden from the bedroom window of the first floor flat, thus negatively effecting the outlook, and giving a feeling of overbearing. However, on balance, in terms of light and privacy both considerations are negated due to the property being a first floor flat. In relation to the outlook for the above flat 49A Woodland Way, the harm that is potentially caused by this extension is mitigated by the fact that the end of the garden is still viewable from the window, as well as being able to see other gardens. The ground level also slopes downwards towards the motorway, this change in the natural ground level at the site is such that even if the extension had been built according to the plans with a pitched roof, this would be the case to perhaps a lesser extent, however it would remain that there would be a slight loss of outlook due to the single storey rear extension being built, all of which was considered at the time of the proposal 16/0735/FUL. Given this context, it is not considered that the extension as built has a material impact on the amenity of the neighbouring occupiers at No 49A. As such, the development is found to be acceptable in terms of this impact.

Most of the neighbouring properties benefit from single storey rear extensions, many with flat roofs, No. 39 Woodland Way, in particular, benefits from a similarly L shaped single storey rear extension that wraps around the original house, which is both larger in terms of depth, has a flat roof and rooflights. It also has a similar room on the first floor with a window overlooking the garden. This property has also been converted into 2 self-contained flats. On these grounds, as this is a very similar extension with a similar living arrangement, on balance that this would not constitute to a loss of outlook that would cause enough harm to warrant a refusal. The similarity to No. 39's rear extension which was approved as well as the fact that many other neighbouring properties have flat roofed rear extensions of a similar depth, mitigates the impact in terms of loss of light, outlook and overbearing. Although the original plans showing a pitched roof would have been preferable, taking into account all material considerations, on balance it is not found that the impact on the amenity of the occupiers at No. 49A Woodland Way would be unacceptable.

Regarding the tall fencing around the garden of the property, this tall fencing is in place to provide privacy to both the occupants of the ground floor flat, and the neighbouring properties either side, thus it does not conflict with the policy DM01(e) of Barnet's Local Plan.

Whilst all the objector's comments have been taken into full consideration, it is advised that this proposal is acceptable in this respect should this gain approval, as in accordance with the above assessment, the proposed development is found to have an acceptable impact on the amenity of all neighbouring occupiers, in accordance with Policy DM01 of Barnet's Local Plan.

5.4 Response to Public Consultation

- The extension is overly large and not in keeping with the local character.

- The extension causes a loss of outlook to neighbouring properties.

These issues are addressed in the above appraisal. On balance, it is found for the reasons given above that the extension does not cause unacceptable harm to the character or the amenity of neighbouring occupiers and as such does not warrant a refusal on these grounds.

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

The proposal is not considered to conflict with the requirements of the Development Plan and is therefore recommended for approval.

