

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 as well as 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.

At the rear of the property is a raised timber decking and the pergola that occupies most if not all of the rear garden and provides level access from the interior of the dwelling house. This work requires planning permission but will be regularised through a separate planning permission to be submitted shortly.

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.

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.
- Decking at the rear has been built without recourse to a planning application.
- The structures have been built in contravention of the planning permission and Council rules.
- The extension has been built against and over the demise of the upstairs flats which prevents effective maintenance in the future and results in structural defects in the building.
- The development does not enable the effective discharge of rainwater away from the property.
- The structure is visible from the M1 and the railway and is incongruous and obtrusive as a result of its size and shape.
- The extension is out of keeping with the other extensions on the terrace.

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 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.

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 across the whole. The result is that the proposed extension is 0.6m higher than the approved extension.

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

Other works constituting development have been undertaken at the property including a timber decking and pergola structure. This work is not permitted development on account of the fact that it is a flat and the decking would constitute a raised platform greater than 0.3m above ground level.

This application was withdrawn from the agenda on 17 October on the basis that these structures had not been subject to consultation. A further planning application will be

submitted to the Council for consideration in due course and a decision will be made in this regard.

- 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.

The principle of a single storey rear extension at the rear of the property has been accepted as a result of the 2016 planning permission and is not subject to further assessment. In addition, virtually every property along the western side of Woodland Way has been extended along this terrace. At the southern end of Woodland Way, monopitch roofed extensions predominate, however at the northern end where this site is located flat roofed extensions form the majority. 51, 55 and 57 Woodland Way have also been extended further to the original rear extension.

As such, it is considered that neither the extension nor the fact that it has a flat roof results in a development out of character with the surrounding area and it is in keeping with the neighbouring properties, thus complying with policy DM01 and CS05 of the Adopted Local Plan Development Management Policies Development Plan Document 2012. 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. Certainly in design terms, an extension with a singular roof form is more sympathetic and less incongruous than a roof consisting of two different roof forms which was the case with the flat roof and monopitch roof arrangement approved by the 2016 application.

The extension is slightly higher than the neighbour at 47 Woodland Way and comes closer to the lower sill of first floor windows, however, this is not the highest structure at the rear of properties in this terrace and in its own right, the proposed development does not appear unsympathetic or insubordinate to either the host property, the terrace or the wider area. 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 their outlook, and giving a feeling of the development being both overbearing and visually dominant.

While it is not disputed that the extension as built does constitute an intrusion into the rear outlook and the visual amenity when viewed from rear windows at first floor by way of the flat roof and additional elevation, it is considered that there is no obstruction of view from the rear elevation windows and there is no sense of enclosure. It is accepted that the flat roof gives a greater visual presence when viewed from the main first floor bedroom, this is not considered to be so harmful as to warrant the refusal of planning permission of this extension. This position also has to be set in the context that the previously approved development would have projected to a similar distance and at its closest to the rear elevation would have been higher to account for the sloping roof and as such the deviation is insignificant. While a sloping roof would have facilitated a view from the main bedroom towards the rear garden, a substantial part of the rear garden would not have been visible. There is another bedroom at the property which is located in the original rear outrigger which projects further. The extension does not project to the same distance from this rear elevation and therefore permits a less obstructed view towards the rear garden which is acceptable.

It is not a planning consideration to ensure the right to a view, hence the approval for the previous application, the residents in the upstairs flat have however retained the view of other gardens and the land beyond the rear boundary. Outlook is however a planning consideration, this proposal is considered not to have an overbearing effect for the residents in the flat above given that they reside above the proposal, any harmful consequences of this extension are mitigated by the fact that the view from the neighbour's property is from a significant height naturally giving a favourable wider view for the neighbouring occupiers which is not enclosed and is not subject to a daylight or sunlight restriction. 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.
- The extension is too high and is incongruous within its setting.

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.

- The extension overlaps the upstairs flats and causes harmful, structural defects
- The flat roof allows water to pool and not flow to rainwater goods.

The extension has given rise to damp and internal cracking and overlaps the floorplate of the first floor flat. While undoubtedly giving rise to anxiety, costs and inconvenience, this is not a material planning consideration and a planning application cannot be refused on this basis.

- Decking has been constructed without planning permission.

This decking requires planning permission and does not benefit from planning permission. This application was withdrawn from the agenda of the 17 October Hendon Area Planning Committee on the basis that these structures were present and had not been consulted on through the application nor assessed by officers effectively. The applicants have advised that an application to this effect will be submitted in due course.

- The works have been carried out in contravention of previously approved plans and as a result, a breach of planning control and the application should be refused.

It is not disputed that the extension has been constructed non in accordance with the approved plans. However, a planning breach is not reason to refuse and a contravention of the approved plans condition does not automatically mean that the application is contrary to policy and should be refused. The application as being considered now is as a response to the Council's action in reviewing the breach of planning control and an application is the natural first step in seeking to regularise the breach of planning control.

All other matters are considered within the report above.

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.

