

Location **2 Cloister Gardens Edgware HA8 9QL**

Reference: **19/6183/HSE**

Received: 19th November 2019

Accepted: 3rd December 2019

Ward: Hale

Expiry 28th January 2020

Applicant: Rabbi Y Schochet

Proposal: Alterations to existing roof extension, such alterations to include,
reduction of rear dormer size and creation of side extension to roof

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 alterations to existing roof, by reason of its size, scale and design, would be detrimental to the character and appearance of the existing property, streetscene and wider locality. It would be a disproportionate and incongruous addition to the existing dwellinghouse, which dwarfs the existing roof slope and forms an incongruous roof form, with a harmful impact to the appearance of the host property and the established character of the local area around 2 Cloister Gardens. It is therefore found to be in conflict with Policy DM01 of the Development Management Policies DPD (Adopted 2012) and Policy CS5 (adopted 2012).

Informative(s):

- 1 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. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.

Reason for Committee decision: This application has been called in by Councillor Simberg.

Officer's Assessment

1. Site Description

The application site is a two storey semi detached dwellinghouse located at the eastern end of Cloister Gardens opposite its junction with Grange Hill. While the site is located in a predominantly residential area, the local centre at the junction with Deansbrook Road and Hale Lane.

The land levels drop sharply from the junction with Hale Lane. As such, the pair of semi detached properties are set higher than the adjoining pair at 6 – 8 Cloister Gardens and is significantly lower than the properties at Hale Lane which are situated at the rear.

The property has been extended at the side with a partial hip to gable extension and two separate two storey side extensions as well as a range of single storey front and side extensions. The property has also been extended at the rear with a single storey rear extension and a significant rear dormer extension.

A number of rear roof extensions are noted at properties to the western end of Cloister Gardens.

The property is not listed and does not fall within a designated conservation area.

2. Site History

Reference: 18/7208/RCU

Address: 2 Cloister Gardens, Edgware, HA8 9QL

Decision: Refused

Decision Date: 6 March 2019

Description: Roof extension involving partial hip to gable and rear dormer window. Reconfiguration of roof to side extension (Retrospective Application)

Reason for refusal:

1. The proposed roof extension, by reason of its size and design, would be detrimental to the character and appearance of the existing property, streetscene and wider locality. It would be a disproportionate and incongruous addition to the existing dwellinghouse, which dwarfs the existing roof slope and forms an incongruous roof form, with a harmful impact to the appearance of the host property and the established character of the local area around 2 Cloister Gardens.

Reference: 19/3589/HSE

Address: 2 Cloister Gardens, Edgware, HA8 9QL

Decision: Withdrawn

Decision Date: 22 August 2019

Description: Reduction of the existing roof volume

Reference: H/01339/08

Address: 2 Cloister Gardens, Edgware, HA8 9QL

Decision: Approved subject to conditions

Decision Date: 27 June 2008

Description: First floor side extension.

Reference: W07808C/06

Address: 2 Cloister Gardens, Edgware, HA8 9QL

Decision: Refused

Decision Date: 6 February 2007

Description: Proposed first floor side extension.

Reason for refusal:

1. The proposed first floor side extension by reason of its size, siting, bulk and design would form a visually dominating feature detrimental to the character and appearance of the host property, streetscene and the general locality and would unbalance the pair of semi-detached houses.
2. The proposed first floor side extension would by virtue of its size, bulk and design cause a sense of enclosure and loss of outlook as perceived from the rear windows and rear gardens.

Reference: W07808B/04

Address: 2 Cloister Gardens, Edgware, HA8 9QL

Decision: Approved subject to conditions

Decision Date: 17 January 2005

Description: Alterations to roof including side and rear dormer windows to facilitate a loft conversion.

Reference: W07808A/03

Address: 2 Cloister Gardens, Edgware, HA8 9QL

Decision: Refused

Decision Date: 5 February 2004

Description: Loft conversion including hip to gable & rear dormer window.

Reason for refusal:

1. The proposed roof extensions would, by reason of their size, design and siting, be detrimental to the appearance of the streetscene and the visual and residential amenities of the neighbouring occupiers.

3. Proposal

Planning permission is sought for a modification to the existing roofscape. This involves the removal of the partial hip to gable extension, a raise in the height of the roof line of the most recent side extension and a modification to the left hand side of the rear of the dormer. As a result of the removal of the partial hip to gable extension, part of the rear dormer will become visible from the front of the property. To partially limit the visibility of this, the proposed dormer at its eastern end will be given a sloping roof at this point. From the front it would have a similar visual appearance as a further hipped roof extension to the proposed development.

4. Public Consultation

Consultation letters were sent to 14 neighbouring properties.

1no. objection was received by the end of the consultation period.

The objection can be summarised as follows:

- Property has been over-extended for more than 19 years.
- Extensions look unsightly and block outlook of natural views of neighbourhood.

- The extension is now less than 1 m so the occupiers have direct visibility to neighbouring garden, dining room and bedrooms gives no privacy.
- It is noted that Point 4. Description of Proposed Works in the attached document states that: the roof was completed in 2017. In addition, this extension exceeded the permitted development size when considered with all the extension made to the original house. Further, Point 6. Trees and Hedges states that a tree on our own garden at the boundary cornered. This is providing a bit of privacy. We were demanded to cut back this tree as it was touching the extension built by 2 Cloister Gardens. This is considered to be incorrect.

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 in 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.

Existing policies in Barnet's Local Plan (2012) and the London Plan (2016) should not be considered out-of-date simply because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF.

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 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.

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, 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 (2016)

- Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. 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 developments 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 it states that developments 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 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 amenity of neighbouring occupiers.

5.3 Assessment of proposals

- 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. Policies DM01 and CS05 of the Local Plan DPD are in conformity with the NPPF.

Paragraph 63 of the NPPF states that 'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area'. Paragraph 131 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.

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the site's context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, Core Policy CS05 and London Plan policies 7.4 and 7.6.

Policy DM01 expects that development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Furthermore, the Council's Residential Design Guidance SPD outlines that extensions should not be unduly overbearing or prominent and should normally be subordinate to the existing dwelling.

The rear dormer at the property has not benefited from a planning permission and is not permitted development. An enforcement notice was served on the unlawful development. An appeal was submitted (APP/N5090/C/19/3228392) and on 16 December 2019, the appeal was dismissed and the notice upheld. As such, the principle of the dormer as well as the acceptability of the modification now proposed.

The proposed dormer window measures 8.4m - 9.655 metres in width, 2.61 metres in height and 3.6 metres in depth. The dormer is level with the top of the main roof ridge and extends beyond the roof slope to the side of the dwellinghouse. Due to the scale of the rear dormer, it appears as a greatly disproportionate and incongruous addition to the roof. It dwarfs the entire rear roof slope and extends beyond it. It is noted the proposed sloping element on the rear dormer and side extension addition would partially obscure the rear dormer from the streetscene and so have a limited impact relative to the dormer in situ. The rear dormer would remain to be visible from the streetscene and would form part of a development that would be harmful within the context of the streetscene. In addition, the impact on the character of the existing dwelling and wider area remains significant and is clearly contrary to Barnet's Residential Design Guidance (14.33), which states that dormer windows should be subordinate features and should not occupy more than half the width and half the depth of the roof slope. The effect of the rear dormer, by virtue of its disproportionate scale, is to harm the appearance of the host property and the local character.

The applicant also wishes to reintroduce a hipped roof in effort to balance the adjoining property of No.4 Cloister Gardens. The proposed alteration is noted to correspond with the

original dwelling more suitably than the insitu partially gabled roof extension, however the disproportionate size, scale and mass of roof extension fails to be subordinate or proportionately sympathetic to the existing dwelling, the adjoining dwelling, the streetscene and the wider area. Overall, the proposed roof form is visually untidy and no justification for its approval is found in Barnet's Residential Design Guidance (2016). The prevailing character of the area and of the streetscene consists of unaltered hipped roofs symmetrical between semi detached pairs. It is considered that the extension harms this character and could set a precedent for similar extensions to the detriment of the streetscene. As the extension is sited prominently and clearly visible from the front elevation, it is found to be detrimental to the streetscene and the local character, in contrary to Policy DM01 of Barnet's Development Management Policies.

The proposed side extension is noted to create a hipped design to the front elevation of the application site. This has been proposed with the intention to mirror the design of the adjoining property however it would appear visually incongruous within the context of the hipped roof and rear dormer. In addition, the cumulative development on the roof of the site remains to be of a scale which is detrimental to the character of the dwelling, the streetscene and the wider locality.

As such, the hip to gable enlargement and the rear dormer window, by reason of its size, siting and design would be inappropriate and result in an overly prominent and dominant development which is out of context with the prevailing character of the area and would introduce features detrimental to the character and appearance of the host property, streetscene, and wider locality contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

- 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.

The roof extensions and proposed alterations to the roof of the existing side extension, due to their siting, are not considered to cause unacceptable harm to the amenity of any neighbouring occupiers.

5.4 Response to Public Consultation

The size, design, character and appearance of the extensions have been addressed in the report above. The objections on this grounds have been upheld and this includes the visual impact. Nevertheless, it is considered that the proposed development does not have an impact on privacy and overlooking, loss of daylight or sunlight and does not give rise to a sense of enclosure. Therefore on this ground, the objections are not upheld.

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 not considered that the development is an acceptable addition to the host property. It is found that the proposed extensions to the roof are disproportionate and incongruous additions to the host property. The effect of this development would be to dwarf the existing roof slope and form an incongruous roof form, to the detriment of the appearance of the host property and the streetscene. As such, there is found to be a clear negative impact on the local character and the appearance of the host property, contrary to Policies DM01 and CS05 of the Local Plan. This application is therefore recommended for refusal.

8. List of Conditions in Case of an Appeal - Without Prejudice

1. Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans:

"Site location plan";

2 CLO /S101

2 CLO /S102

2 CLO /S103

2 CLO /S300

2 CLO /S301

2 CLO /S302

2 CLO /PL102

2 CLO /PL103

2 CLO /PL300

2 CLO /PL301

2 CLO /PL302

Planning Statement

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. Standard Time Limit

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. Materials to match

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).

