

Location **50 Cotswold Gardens London NW2 1QU**

Reference: **19/6506/HSE** Received: 9th December 2019
Accepted: 11th December 2019

Ward: Golders Green Expiry 5th February 2020

Applicant: Mr Noor Ahamad Sultani

Proposal: Single storey front extension to facilitate new front porch. Single storey side and rear extension, including 2no. skylights to roof. Conversion of existing garage into habitable room.

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:

Site location plan

VC/175/P/01A

VC/175/P/02

VC/175/P/03

VC/175/P/04

VC/175/P/05

VC/175/P/06

VC/175/P/07

VC/175/P/08 Rev A

VC/175/P/09 Rev A

VC/175/P/10 Rev A

VC/175/P/11 Rev A

VC/175/P/12 Rev A

VC/175/P/13 Rev A

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 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).

- 5 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the flank elevation(s), of the extension(s) hereby approved, facing nos 48 and 52 Cotswold Gardens.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties 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. 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.
- 2 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 3 The applicant is reminded that use of the property as a C4 HMO within London Borough of Barnet or larger HMO will require planning permission.

Officer's Assessment

1. Site Description

The application site is a two-storey semi-detached single-family dwelling on the north-west side of Costwold Gardens. The land slopes upwards from the north east through to the south west of Cotswolds Gardens. The property is not listed and is not located within a conservation area.

2. Site History

None.

3. Proposal

Single storey front extension with false pitch roof form to facilitate new front porch and front extension (forward of the existing garage) set approx 0.50m away from the existing front bay window, 0.65 metre depth x 4.60 metre width x 3.45 metre finished height, 2.50 metre eaves height.

Single storey rear extension with flat roof form approx 3.0 metre depth x 8.650 metre width x 3.150 metre finished height, including 2no. skylights to roof. Conversion of existing garage into habitable room (bedroom). Replacement of existing garage doors with a window opening.

4. Public Consultation

Consultation letters were sent to 5 neighbouring properties.

10 objections raised on the grounds of:

Potential to use the property as a HMO

Impact on established pattern of development on the street

Loss of light and privacy

Inadequate parking provision

Overdevelopment of the site

Noise, disturbance and proliferation of refuse containers at the front

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 amended on 24th July 2018 updated 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. 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 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.

Barnet's Local Plan (Reg 18) 2020

Barnet's Local Plan -Reg 18 Preferred Approach was approved for consultation on 6th January 2020. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's emerging Local Plan.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of emerging policies and draft site proposals.

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 the character and appearance of the existing building, the street scene and the wider locality

Any 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 of the Barnet Local Plan), 7.4, 7.6 (both of the London Plan).

Para. 1414 of the Council's RDG 2016 states that side extensions to existing buildings can be unacceptably prominent features in the street scene. Where gaps between houses are a common feature of a street, then proposals which close such gaps or create a terracing effect by bringing buildings too close together are likely to be rejected. Side extensions should not be more than half the width of the original house. In addition, the setting back of the front wall of side extensions from the front building line can help to reduce the visual impact on the street scene. Pitched roofs help extensions fit in with the street and may be required for single storey extensions.

Para 14.21 of the Council's RDG 2016 states that the depth of a single storey rear extension, normally considered acceptable for terraced properties is 3 metres, for semi-detached properties it is 3.5 metres, and detached property is 4 metres.

Par 14.53 of the Council's RDG 2016 states that it is natural for owners to want to improve and extend their properties, but the extensions need to be carefully designed. A properly designed porch can have a positive effect on the area. In some cases, depending upon the location, size, type, either larger or smaller porches may be appropriate. The porch roof should reflect the roof style of the existing house. Where a porch is on the front elevation, special care should be taken that it does not spoil the appearance of the property and street as well as the outlook of neighbouring houses. Adding undue canopies can be unsightly as it is likely to protrude too far and dominate the front of the house. As houses differ in size and style, sometimes it is not possible to add a porch to a house.

Para 14.56 of the Council's RDG 2016 states that the conversion of a garage to habitable accommodation (used for living/sleeping) may require planning permission. Depending on when the garage was originally granted consent, a condition on the consent may restrict its usage i.e. for car parking. In such cases planning permission is required to convert the space. The council will take into account the off-street parking available and the appropriateness of any external alterations i.e. changing the appearance of the garage elevation to a wall and a window.

Amended plans were received following officer advice demonstrating the removal of the originally proposed first-floor side to rear element. The development is therefore concentrated at ground floor level. The architectural design of properties on this stretch of Cotswold Gardens are largely similar.

In accordance with the above Council Guidance, the front extension involving porch would not disproportionately extend the principle front wall. It would align with the existing front bay window, reflect a hipped roof to match the main roof form and maintain adequate space at the front (on the hardstanding) for the parking provision of 1no parked car. This is not considered an isolated example of development and therefore given the presence of similar development i.e. 62 Cotswold Gardens, would not appear at odds with the visual amenities of the streetscene. Similar to the application site, no 48 benefits from an adjoining garage at the side of the property. Both garages adjoin on the common boundary. A new window opening in the front wall and conversion of the garage into a habitable room (bedroom) would support the function of the single-family dwelling and visually match the existing style and arrangement of fenestration in terms of size, design and cill level.

The single storey rear extension would extend the rear width of the property less than 3.50 metres depth and height on the common boundaries with no 48 and 52. In accordance with the above Council Guidance, the single storey rear extension would extend proportionately in depth and height respectively and therefore result in a subordinate addition in respect of the host property.

The existing property serves 3no double bedrooms (1no bedroom at ground level and 2no at first floor level) capable of accommodating a maximum capacity of 6no persons. Amended plans demonstrate a revised internal arrangement at ground floor level whereby the existing rear facing double bedroom would be brought to the front whilst the reception brought to the rear of the property to support the proposed kitchen/dining room extension.

An increase of 1no single bedroom (approx 10. 5sq.m) would be afforded by way of the garage conversion resulting in 4no bedrooms overall capable of accommodating 7no persons thereby resulting in an increase of 1no person above the existing occupancy level.

No changes to the land levels are involved. The resulting rear garden area of approx 15m would ensure that the development does not appear cramped at the rear within the site.

The scale and size of development is equally considered visually sympathetic and proportionate in the context of the host property and local area.

Subject to conditions, the scheme is considered acceptable on the grounds of character and appearance.

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

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

This approach is echoed under Policies CS5, DM01, DM02 DM04 of the Barnet Council Development Plan Document. These policies seek to manage the impact of new developments and ensure that there is not an excessive loss of amenity in terms daylight/sunlight, outlook and privacy for existing residential occupiers or gardens.

The rear building line with nos. 48 and 52 is consistent. Whilst no 48 to the north east of the application site is not extended at the rear, adjoining no 52 to the south west of the application site is extended at the rear by way of a single storey rear extension less than 3.0 metres depth on the common boundary.

By virtue of its scale, size, height and position, the front extension involving porch would be largely set away from any habitable window openings and equally obscured from view of nos. 48 and 52 and therefore is not considered to give rise to any undue impact upon neighbouring occupiers in terms of loss of light and outlook. The conversion of the garage would have no impact on the residential amenities of neighbouring occupiers in terms of loss of light and outlook.

The existing single storey rear extension at adjoining no 52 is considered to offset any undue impact as a result of the proposed development at the rear. Due to a modest respective rear depth and height on the common boundaries with nos. 48 and 52 (set below the minimum recommended depth of 3.50 metres), the single storey rear extension is not considered to give rise to any undue impact upon neighbouring occupiers in terms of loss of light and outlook.

Rear facing openings would have an oblique relationship with nos. 48 and 52 similar to existing ground and first floor rear facing openings. No openings are positioned in the flank walls and therefore no direct loss of privacy is expected. A condition has been attached to ensure that no openings are introduced without the prior submission and approval of the LPA.

Taking into account the above-mentioned site circumstances, the scheme is considered acceptable on residential amenity grounds.

5.4 Response to Public Consultation

Potential to use the property as a HMO

The merits of this application cannot be determined on the basis of possible future use of the property. Any proposal to use as an HMO would require a further permission.

Impact on established pattern of development on the street

This issue has been generally addressed within the main body of the report. The revised scheme adheres to the Council RDG 2016 in respect of domestic extensions and therefore no adverse impact on character is likely.

Loss of light and privacy

This issue has been generally addressed within the main body of the report. The revised scheme adheres to the Council RDG 2016 in respect of domestic extensions and therefore no adverse impact on residential amenity is likely.

Inadequate parking provision

Given the retention of use as a single-family dwelling and proportionate rear addition in respect of the host property, no impact on parking provision is likely.

Overdevelopment of the site

The revised scheme adheres to the Council RDG 2016 in respect of domestic extensions for the purpose of a single-family dwelling and therefore is not considered to give rise to an overdevelopment of the site.

Noise, disturbance and proliferation of refuse containers at the front

The property would continue to function as a single-family dwelling. The level of noise, disturbance and refuse is not expected to increase above normal levels of occupation.

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.

© London Borough of Barnet 2020
Contains public sector information licensed under the Open Government Licence v3.0
© Crown copyright [and database rights] 2020 OS 100017674 EUL. Use of this data is subject to terms and conditions.

