

**Location**                                **9 Beech Walk London NW7 3PJ**

**Reference:**                            **20/1622/HSE**                                Received: 31st March 2020  
Accepted: 2nd April 2020

Ward:                                        Hale    Expiry 28th May 2020

Applicant:                                MRS KHALIQUE

Proposal:                                Part single, part two storey side and rear extension. Roof extension involving rear dormer window and 1no front facing rooflight (AMENDED PLANS)

**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:

9BEECHWALK/1  
9BEECHWALK/2  
9BEECHWALK/3/C REV C  
9BEECHWALK/4/C REV C

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 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing No. 7 shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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) and the Residential Design Guidance SPD (adopted October 2016).

- 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 above ground floor level in the side elevations of the extensions hereby approved, facing No 7 or No 11 Beech Walk

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).

- 6 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. 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**

For the avoidance of doubt, this case has been referred from the Hendon Area Planning Committee following a deadlocked vote at the meeting of the 24<sup>th</sup> June 2020.

The report has been amended from the one which was originally presented following the receipt of further representations.

### **1. Site Description**

The application site contains a two-storey detached single family dwellinghouse located on the north-western side of Beech Walk. The area surrounding the proposed site is primarily residential, consisting of similar two-storey detached and semi-detached residential dwellings with some in the local area benefitting from various projections and extensions.

It is noted that the rear elevation incorporates a 2.6m rearward projection at ground floor level which forms part of the 'original dwellinghouse'. The property also benefits from an existing non-original extended garage structure to the side.

The site is not within a conservation area, nor is it a listed building.

### **2. Site History**

Reference: W15824/07

Address: 7 Beech Walk, London, NW7 3PJ

Decision: Approved subject to conditions

Decision Date: 24 May 2007

Description: Two-storey rear extension and single storey side extension.

### **3. Proposal**

The application seeks approval for a "Part single, part two storey side and rear extension. Roof extension involving rear dormer window and 1no front facing rooflight".

Amendment has been made during the lifetime of the application.

The proposed extension would measure a maximum depth of 4.8m and a width of 6.74m, projecting 2m beyond the side elevation of the original dwellinghouse adjacent to No 7 to form a L-shaped footprint.

The proposed first floor rear extension measures the same depth beyond the rear as the ground floor, but projects only 1m beyond the existing side elevation. Again, these two components will be link together to form a L shaped extension.

The proposed rear dormer will have a width of 1.1 metres, a height of 1.2 metres and a depth of 2.2 metres. The dormer will be set up from the eaves by 0.7 metres and set down from the ridge of the roof by 0.9 metres.

In addition, 1no. front facing rootlights and 5no. side rooflights are proposed.

## **4. Public Consultation**

Consultation letters were sent to 13 neighbouring properties. 7 responses have been received.

Reasons for objection:

- overbearing
- loss of light
- potential of HMO conversion in the future
- intrusion of privacy

## **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 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 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 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**

Whether harm would be caused to 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 and 7.6 (both of the London Plan).

With regard to Paragraph 14.23 of the Residential Design Guidance SPD (2016), where there is significant harm to neighbours or residential amenities, deeper extensions than that of the neighbour's house would be inappropriate. Two storey rear extensions which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable...because they can be too bulky and dominant, and have a detrimental effect on the amenities of neighbours. However, on widely spaced semi-detached or detached houses, there may be more scope for larger rear extensions (Para 14.25).

With regard to extensions to the side, Paragraph 14.15 sets out that they should not be more than half the width of the original house and that first floor side extensions should be set back 1 metre from the front main wall of the existing house.

The Guidance further proposes that pitched roofs following the same pitch as the existing roof will normally be needed for two storey extensions and should be set down at least 0.5 metres from the ridge of the main roof (14.16) and that in order to reduce the visual impact of two storey side extensions, there should normally be a minimum gap of 2 metres between the flank walls of properties at first floor level (14.17).

Whilst the proposed rear extension measures only 1.9m beyond the existing projection at ground floor level, the proposed first floor would measure a maximum depth of 4.8m to create an equivalent depth over two storeys.

Although this would be in excess of the scale envisaged by the SPD, it would largely mirror the footprint of the corresponding extension at No 7. It is acknowledged that the first floor of the extensions at No 7 is set back from the deepest point of the ground floor – and in that respect the proposal would be larger – however, there is no apparent uniformity in the design of extensions along Beech Walk. The projection at No 11 is similarly of an equivalent (though apparently lesser) depth over two storeys and within that broader context, the design would not appear uncharacteristic.

Furthermore, the proposal would maintain 3.1m between flank elevations at first floor level and – as a result of the wide spacing of the properties - is considered to meet the exception set out under Paragraph 14.25 of the SPD and justify the additional depth.

The proposed side extension measures only 2m in width at ground floor level and 1m at first floor – considerably less than half of the width of the original dwellinghouse – and is surmounted by a pitched tile roof subordinate to the main ridge.

The SPD further outlines that dormer windows should be sympathetic to the main roof of the house, should normally be subordinate features, should not occupy more than half the width or half the depth of the roof slope and should be set in at least 1 metre from the party wall, flank wall or chimney stack (Para 14.33).

The proposed rear dormer will have a width of 1.1 metres, a height of 1.2 metres and a depth of 2.2 metres. The dormer will be set up from the eaves by 0.7 metres and set down from the ridge of the roof by 0.9 metres. As it is not more than half of the width of the roof slope, it is considered that the proposal is acceptable, sympathetic in design and subordinate in appearance.

In light of the above and within the context of the site as a large residential dwelling house, officers consider that the proposal would be a proportionate addition that would respect the appearance, scale, mass, height and pattern of surrounding buildings and streetscene in accordance with the expectations of Policy DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012).

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.

With regard to Paragraph 14.4 of the Residential Design Guidance SPD (2016), extensions to properties should not be overbearing or unduly obtrusive and care should be taken to ensure they do not result in harmful loss of light or overshadowing of adjoining properties (particularly loss of light to main windows serving principal rooms such as living or dining rooms), loss of outlook, or sense of enclosure or overbearing impact on adjoining properties.

With regards to neighbouring properties, No 7 Beech Walk, benefits from a two-storey side and rear extension with a similar footprint and design which the proposal seeks to mirror.

The proposed footprint would extend to only 0.2m beyond the footprint of No 7 at ground floor level – though, due to the recessed first floor at No 7, it would be 1.6m beyond the corresponding rear elevation at this level.

Given the limited projection, together with the flank wall of the proposed first floor extensions being separated by some 3.1m it is not considered that the proposal will have a harmful impact on neighbouring outlook or result in any undue loss of light on windows in the rear elevation.

Two small side windows are proposed on the side wall facing No. 7. A condition will be imposed to make sure the windows are obscured glazed and non-opening to safeguard the amenity standard of No. 7. Notwithstanding that, the window in the side elevation at first floor level of No 7 services a bathroom and is also obscure glazed.

At ground floor level, the rooflights in the side elevation level serve a wc, utility and further living space. With regard to the plans approved under W15824/07, this space was originally conceived as a playroom - and so not a 'habitable room' with regard to the definition set out in the Sustainable Design and Construction SPD. It is apparent from photographs provided by the occupier that this space is now used as a form of retreat, with a television set within surrounding bookshelves. It is acknowledged that the proposal would be likely to give rise to some diminution in the daylight/sunlight afforded to this room. However – again with regard to the approved plans – it is demonstrable that the property benefits from two principal rooms (described as living room and dining room), served by main windows in the front and rear elevations respectively. Within that context, the affected room is considered to be ancillary accommodation and as such – as per the original approval – any impact would be consistent with the expectations of Paragraph 14.4 of the SPD.

As for No 11 Beech Walk, the rear extensions would be significantly off-set from the shared boundary and are not considered to have a detrimental impact in the way of residential amenity.

The small rear dormer window facing the garden of No. 9 is not considered to have any amenity impact to the neighbourhood.

A number of properties along Beech Walk have rooflights and these could otherwise be done under permitted Development. As such any limited impact upon amenity caused by the proposed rooflights is considered acceptable.

On the basis of the above, it is considered that the extension would have an acceptable impact on the residential amenity of neighbouring occupiers and its character and appearance would have no impact on the street scene.

#### **5.4 Response to Public Consultation**

The potential future conversion of the property into an HMO is not relevant to the consideration of this application as it does not form part of the proposal. Any such future conversion would require planning permission and be subject to oversight of the LPA

Other concerns have been addressed in the report.

#### **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

