

Location **32 Rowsley Avenue, London, NW4 1AJ**

Reference: **20/2488/HSE** Received: 5th June 2020
Accepted: 10th June 2020

Ward: Hendon Expiry 31st July 2020

Applicant: Mallerton Ltd

Proposal: Amalgamation of the ground floor rear extension with crown roof. Erection of ground floor side and first floor rear extension (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:

U-ML-LP001 Page 0 - Existing Site Plan

U-ML-EP001 Page 1 - Existing Ground Floor Plan and Existing First Floor Plan

U-ML-EP001 Page 2 - Existing Loft Plan and Existing Roof Plan

U-ML-EE001 Page 3 - Existing Front Elevation, Existing Side Elevation, Existing Rear Elevation and Existing Section A-A

U-ML-PP001 Page 4 - Proposed Ground Floor Plan and Proposed First Floor Plan

U-ML-PP002 Page 5 - Proposed Loft Plan and Proposed Roof Plan

U-ML-PE001 Page 6 - Proposed Front Elevation, Proposed Side Elevation and Proposed Rear Elevation

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 side elevations, of the extension hereby approved, facing Nos 30 and 34 Rowsley Avenue.

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.

1. Site Description

The application site comprises a semi-detached dwellinghouse, located on the eastern side of Rowsley Avenue. To the south, the host dwelling directly adjoins No.30 Rowsley Avenue, to the north, the application site shares a common boundary with No.34 Rowsley Avenue. To the rear, the application site abuts Nos 29 and 31 Downage.

The area is characterised by similar two storey semi-detached properties with amenity space to the rear and off-street parking facilities to the front.

The application site does not comprise a listed building and does not fall within a conservation area.

2. Relevant Site History

Reference: 18/6698/PNH

Address: 32 Rowsley Avenue, London, NW4 1AJ

Decision: Prior Approval Not Required

Decision Date: 17 December 2018

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres.

Reference: 18/6973/HSE

Address: 32 Rowsley Avenue, London, NW4 1AJ

Decision: Approved subject to conditions

Decision Date: 23 January 2019

Description: Single storey side and rear extension. New raised terrace area with associated access steps to garden level. New front porch

Reference: 19/6017/192

Address: 32 Rowsley Avenue, London, NW4 1AJ

Decision: Lawful

Decision Date: 11 November 2019

Description: Roof extension involving hip to gable, rear dormer window and 2no front facing rooflights

Reference: 19/5234/HSE

Address: 32 Rowsley Avenue, London, NW4 1AJ

Decision: Approved subject to conditions

Decision Date: 30 January 2020

Description: Single storey side and rear extension. First floor rear extension. New raised terrace area with associated access steps to garden level. New front porch (AMENDED DESCRIPTION).

3. Proposal

This application seeks full planning permission for the "Amalgamation of the ground floor rear extension with crown roof. Erection of ground floor side and first floor rear extension."

The roof extension approved under 19/6017/192 is already in situ.

The ground floor rear extensions granted Prior Approval under 18/6698/PNH have also been built in accordance with the approved plans.

The current proposal relates to the consolidation of extensions approved in previous applications, namely the front porch, side extension and first floor rear extension together with the more extensive ground floor rear extensions brought forward under the Prior Approval process.

The roof form of the ground floor rear extension would be altered to create a crown roof, with an eave height and maximum height of 2.53 metres and 3.6 metres respectively - as measured from the natural ground level.

The side extension would exist nearest to the shared common boundary with No.34, it would measure a depth of 9.06 metres, wrapping around to adjoin the proposed rear extension, and a width of 2.74 metres. The side extension proposes a maximum height of 3.26 metres with a flat roof design, the height of the side extension reduces to a height of 2.00 metres on the boundary with No.34.

The first floor rear extension proposes a maximum depth of 2 metres, width of 3.4 metres and eave height and maximum height of 5.1 metres and 6.1 metres respectively (from ground floor level).

The porch measures a maximum height of 3.0 metres, incorporating a flat roof design, width of 2.60 metres and depth of 0.72 metres from the front building line.

The new raised terrace area would measure a height of 0.72 metres from ground level, with associated access steps.

4. Public Consultation

Consultation letters were sent to 6 neighbouring properties.

11no. objections were received in the lifetime of the application. The objections can be summarised as follows:

- Developer using every possible loop-hole in the planning system
- The proposal would impact neighbouring residential amenity by reason of loss of privacy, light, overbearing and enclosure to ground and first floor rear habitable windows, reduced enjoyment of rear amenity space
- Risk of damage to house foundations
- Harm attractiveness of neighbouring properties.
- The works to the rear garden would result in drainage problems. With current concerns over climate change the garden should be in order to help sustain the local ecosystem.
- Applicant falsely conveyed that neighbouring residents have withdrawn their objections and visited many neighbours and asked to withdraw their comments through various means.
- Previous assessments in planning applications did not account for the elevation change from the site and neighbouring property and the impact of the extensions
- The proposed works are causing me concern and distress.

- The 6m deep extension which adjoins my property, which I understand was erected under a prior approval application numbered 18/6698/PNH is overbearing and causes overshadowing of my property including my lounge. It results in a loss of outlook, especially as I now look out onto a concrete block wall which does not match any materials found either at 32 Rowsley Avenue or my property.
- The proposed development will result in an increase in height of the 6m deep extension by a further 600mm, which will make an existing bad situation worse. The proposal will be even more overbearing and therefore harmful to my amenities compared to the existing situation and therefore the application should be refused.
- I am concerned about how a 6m deep extension could have been allowed in the first instance. I should have been consulted about the proposal, but to the best of my recollection I was not consulted. The officers delegated report for application 18/6698/PNH is totally lacking in any information as to how the decision was made, which is very odd, when one compares it with the very detailed delegated officer's report for the roof extension which was also erected under the permitted development regulations.
- The material used for the existing extension do not match materials of the main dwelling. I believe that if the single storey extensions, as built, requires planning permission then the council can take into consideration its policies on extensions.
- The current extensions do not comply with the Council's Residential Design Guidance which seeks to limit rear extensions to a depth of 3.5m. The current proposal and the extensions as built are not modest and proportionate additions to the original dwelling house.
- There is insufficient information for the council to determine the application because there are no drawings of the proposed side elevation adjoining my property.
- If the Council is minded to approve the development can the council impose a condition that the concrete wall is finished off in either brick or render, which will be materials more in keeping with the character of the original building.
- Noise and disturbance resulting from use.
- Adequacy of parking/loading/turning.
- The view from the neighbouring bay window is now obstructed by the current extension, at 6m on the ground level has already significantly blocked my view. I cannot imagine how this must feel if you live at number 30. The extension at the first floor level will obstruct further.
- I am concerned by the overall size of this proposed building. It is being developed far beyond that of other properties. This is a particularly green road, so much development in one house, obstructing view, light and gardens is very much out of keeping.
- Concerns over the scale, massing and bulk of the extensions.
- The site has been incrementally extended and elevated to massive proportions
- Concerns over the number of occupiers at the application site following the development has taken place and whether the site will remain a single family dwelling. This would conflict with the harmony of the street and stress opportunity for off street parking at the site and along the street.
- Huge quantities of excavation material have been placed in the rear garden of the application site.
- Concerns over flood risk to lower lying properties and the site will have a increased likelihood to failing to retain water within the curtilage.
- Roof extension has already been completed.
- The development would result in a harmful impact to the character and appearance of the dwelling and wider area.

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 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.

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.

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 (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 living conditions of neighbouring residents.

5.3 Assessment of proposals

Impact on the character and appearance of the property and general locality (Principle):

Any proposed 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).

Policy DM01 states that all proposals should preserve and enhance the local character of the area. This application relates to the amalgamation of the ground floor rear extension with crown roof, first floor rear extension and front porch.

It is noted that the ground floor rear extensions approved under reference number 18/6698/PNH have been constructed. As such, they constitute a material fall-back position for the consideration of this application - and consequently, the scope of the works at ground floor level are limited to the infilling of the 0.5m gap between the two extensions and the amendments to the roof to form a crown.

On that basis, the infilling of the gap made between the two existing extensions to form a flush rear elevation is not in an of itself considered to be detrimental to the character and appearance of the host property.

With regard to the crown roof, as a result of the Prior Approval extensions being set at a lower level, the resultant overall height would not increase compared to the height than previously approved under 19/5234/HSE. This is confirmed by the distance from the top of the proposed roof to the first floor cill level for both applications being 1 metre. The extension is also noted to wrap round to the side extension to create a visually congruent and sympathetically designed rear elevation that would be acceptable to the existing dwelling and wider locality.

In regards to the proposed first floor rear extension, this element is identical to that approved under grant of consent 19/5234/HSE. In determining that application, the delegated report reads as follows:

Paragraph 14.23 of Barnet's Residential Design Guidance (2016) states that two storey rear extensions which are closer than 2 metres to a neighbouring boundary and projects more than 3 metres in depth is not normally considered acceptable. It is noted that the proposal is 2 metres in depth and is situated 2.5 metres from No.30 and 3.7 metres from No.34. The first floor rear extension would be set away from the first floor rear bay window so would be compliant with Paragraph 14.11 of Barnet's SPD (2016). As such, the proposal would appear sympathetic and not overly bulky or dominant in the context of the dwellinghouse and surrounding area. Having assessed the wider area, it is seen that numerous properties on

the eastern side of Rowsley Avenue benefit from flat roofed two storey rear extensions. Given this element of the proposal is subordinate and sympathetically design the proposal is not considered to conflict with the character of the wider locality.

In regards to the ground floor side extension, again a similar proposal was made under reference number 19/5234/HSE. With regard to that element, the delegated report stated the following:

The proposed side extension would measure a depth of 9.06 metres, nearest to the boundary with No. 34, wrapping around to adjoin the proposed rear extension. Barnet's Residential Design Guidance SPD outlines that side extensions to existing buildings can be unacceptably prominent features in the streetscene, it goes on to stipulate that side extensions should not be more than half the width of the original dwellinghouse.

The host dwellinghouse measures a width of 7.50 metres, the proposed side extension would measure a width of 2.74, and therefore the proposed side extension is in compliance with the aforementioned guidance, officers have raised no concerns regarding its impact on the streetscene.

In this current application, it is noted the height of the side extensions has been altered to account for the level change experienced across the cross-section of the dwelling. It is noted however, that the extension would not further add to the height approved under 19/5234/HSE so is considered to be acceptable. Overall, officers consider that the proposal is sympathetic and subordinate to the existing property, streetscene and general locality. It is not considered that the side extension would harm the character of the local area.

The current front porch extension was previously approved under 19/5234/HSE. In approving that application it was noted following an examination of aerial photography and historical records that several properties in the immediate vicinity benefit from planning permission for porches including Nos 7 approved under ref no. (H/05705/13), 43 approved under ref no. (18/3995/HSE) and 52 approved under ref no. (H/00363/14). Given that several properties benefit from porch extensions, officers do not consider that this element of the proposal would be of detriment to the character of the general locality, or to affect the adequacy of parking/loading/turning

Barnet's Residential Design Guidance SPD outlines that where a porch is proposed on the front elevation, special care should be taken that it does not spoil the appearance of the property and street. By virtue of its modest scale and the aforementioned character of the surrounding area, it is not considered this proposal would adversely impact the streetscene and host dwellinghouse.

As such, it is found that - within the context of the existing works and previous approvals - the proposed extensions would not have a detrimental impact on the character of the dwellinghouse, the surrounding locality or the wider area. Therefore, the proposal would comply with policy DM01 of Barnet's Development Management Policies DPD.

Impact on the amenities of neighbouring occupiers:

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.

The proposed ground floor infill extension is not considered to result in unacceptable harm to the neighbouring occupiers by virtue of being between the two existing extensions approved under 18/6698/PNH. Even with the addition of the crown roof to the extensions, the overall height of the structure would not increase the maximum height of the rear extension than those previously approved under 19/5234/HSE. Only the additional height of that part of the roof between 3m and 6m relative to the flat roof of the Prior Approval scheme would constitute any additional detriment. However, within the context of the development overall it is not considered that this part would render the proposal unacceptable.

It was noted that a level change exists between the host dwelling and No.34, with the host property situated at a higher position on Rowsley Avenue. The roof of the side extension is noted to remain consistent with previous approvals and is thus not considered to result in an unacceptable residential amenity impact, despite the elevation change, by virtue of enclosure and loss of outlook and light. The proposed side extension does not propose any windows to the side elevation.

In order to ensure the privacy of the neighbouring occupiers is not compromised, by way of overlooking, a condition will be applied to ensure that the roof of the ground floor side and rear extension will 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.

Due to the subordinate scale and distance from respective neighbouring properties, the proposed first floor rear extension is not considered to be unacceptably overbearing on the neighbouring occupiers no result in a significant loss of outlook to the detriment of the occupiers. Again, in order to ensure the privacy of the neighbouring occupiers is not compromised, by way of overlooking, a condition will be applied to ensure that no windows can in future be placed in the side elevations of the extension.

It is considered by officers that the proposed porch would not cause harm to the living conditions of the neighbouring properties. It is considered that by virtue of its scale, height and design, the porch would not result in a significant loss of light, outlook or privacy for the neighbouring properties.

This application proposes a raised terraced area with steps to the rear of the property, measuring a height of 0.72 metres. It was noted that the host dwelling originally benefitted from a larger terraced area measuring a height of 1.09 metres from ground level. Given that this application proposes a terraced area with a reduced height to that which is existing, officers do not consider that the proposed terraced area would be of unacceptable detriment to the privacy of the neighbouring occupiers.

Overall, officers do not consider that the proposal would result in an unacceptable level of harm to the amenity of the neighbouring occupiers, and as such would comply with Policy DM01 of Barnet's Development Management Policies DPD.

5.4 Response to Public Consultation

The majority of points have been addressed in the body of the Report.

With regard to other matters:

- Developer using every possible loop-hole in the planning system: That the owner may have pursued a phased approach to developing the property is not in itself grounds for refusal. As long as any necessary approvals are in place and works have been carried out to effect the necessary fall-back position, then they are material considerations which must be given due weight. The LPA are able to consider the cumulative impact and have done so. However, it is not considered that the consolidation of those extensions in the manner proposed would be inappropriate or unacceptable given the context which they provide.
- Risk of damage to house foundations: Not a planning matter. This would be covered by Building Regulations and the Party Wall Act.
- The works to the rear garden would result in drainage problems/flood risk: Not a planning matter but a civil issue. Notwithstanding that, it is noted that the site is within Flood Zone 1 and is not at risk of surface water flooding
- Applicant falsely conveyed that neighbouring residents have withdrawn their objections and visited many neighbours and asked to withdraw their comments through various means: Not a planning matter however, the requisite number of objections to bring the matter before the Committee has in any event been achieved
- The proposed works are causing concern and distress: Not a planning matter
- Consultations and Report relating to 18/6698/PNH: Prior Approval applications are subject only to extremely limited consultation prescribed in the Order. No objections from those parties were received. On that basis, under the terms of the Order, Prior Approval is not required and as such, no report is necessary.
- The material used for the existing extension do not match materials of the main dwelling: A condition will be applied requiring the extensions to be finished in materials to match the host property
- Concerns over the number of occupiers at the application site following the development has taken place and whether the site will remain a single family dwelling: The future use of the property as an HMO or flats would constitute a development requiring a further grant of permission. As such, the LPA would retain governance and the discretion to enforce
- Noise and disturbance resulting from use: The extensions subject to this application would create increased living space at ground floor level and an en-suite to the first-floor rear bedroom. As such, an intensification of occupation is not anticipated.
- Huge quantities of excavation material have been placed in the rear garden of the application site: Not a planning matter unless, subsequent to the construction phase, they remain and effect a material change to the level of the land. This would require consent and should be reported to Planning Enforcement.

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 - within the context of the existing extensions and approvals and 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 and would not have an unacceptable adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.

