

Location 37 Chiltern Gardens London NW2 1PU

Reference: 20/5292/HSE Received: 6th November 2020
Accepted: 9th November 2020

Ward: Golders Green Expiry 4th January 2021

Case Officer: Frances Haines

Applicant: KORENKO

Proposal: Part single part two storey rear extension. New front porch

OFFICER'S RECOMMENDATION

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 their 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:

SK05012001
SK05012004 Rev.B
SK05012005
SK05012006
SK050120011 Rev. B
SK050120012 Rev. B
SK050120013 Rev. B

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 elevation(s), of the extension(s) hereby approved, facing no.'s 35 and 39 Chiltern 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. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

OFFICER'S ASSESSMENT

1. Site Description

The application site is located at 37 Chiltern Gardens consisting of a two-storey semi-detached dwellinghouse with front and rear amenity space. The area surrounding proposed site is mainly residential consisting of similar two-storey semi-detached dwellinghouses with front and rear amenity spaces. The site is located within the Golders Green ward.

The site is not within a conservation area (designated as Article 2(3) land in The Town and Country Planning (General Permitted Development)(England) Order 2015 as amended) and is not within an area covered by an Article 4 direction. Furthermore, there are no conditions attached to the site which remove permitted development rights.

2. Site History

There is no planning history in respect of this site.

A roof extension involving a hip to gable and rear dormer appears to have been constructed under permitted development.

3. Proposal

The application seeks approval for a part single part two storey rear extension and a new front porch.

The proposed ground floor rear extension element will measure approx. 3.5 metres in depth, 5.6 metres in width and 3 metres in height. A bay window will also be included on this part of the development.

The proposed first floor rear extension will measure approx. 3 metres in depth, 3 metres in width, with an eaves height of 5.7 metres and a maximum height of 6.8 metres. The first floor extension will be set away from the adjoining neighbour by approx. 2.5 metres.

The proposed front porch will measure 1.2 metres in depth, 2.2 metres in width and will have a flat roof with a height of 3 metres.

4. Public Consultation

Consultation letters were sent to 7 neighbouring properties. 12 responses were received, comprising 12 letters of objection. The objections can be summarised as follows:

- Overdevelopment
- Parking is a problem and this will increase parking pressure
- This development will destroy family homes
- Development is out of character
- Landlords are overdeveloping
- Overlooking and loss of privacy
- Sets precedent for this type of development
- Stress on local wildlife
- In breach of planning policy creating smaller homes

The Golders Green Estate Residents Association objected on the grounds that the development was too large.

A 'Right of Light Consultant' objected on behalf of the resident at no.35 Chiltern Gardens, which can be summarised as follows:

- The proposal breaches the BRE 25° test and extends to approximately 55° when applied to the kitchen aperture
- Right to light impacts on no.35 Chiltern Gardens
- No daylight or sunlight report submitted
- Loss of light to kitchen window

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 19 February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

The draft New London Plan is at an advanced stage. In December 2019, the Mayor issued the "Intend to Publish" version of the emerging New London Plan. After considering that Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor making a series of eleven Directions to the Plan. The Mayor cannot publish the New London Plan until the Directions have been incorporated, or until alternative changes to policy to address identified concerns have been agreed. Those policies affected by the Directions carry moderate weight, whilst those with no modifications can carry significant weight.

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

- 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).

Part single, part two storey rear extension

The ground floor extension would measure approximately 3.5 metres in depth, 5.6 metres in width and 3 metres in height. The Residential Design Guidance permits a maximum depth of 3.5 metres for ground floor rear extensions on semi-detached properties, therefore, this part of the proposal is in keeping with the guidelines and is considered acceptable in terms of size and scale.

It should be noted that first floor rear extensions, similar in size and design, have been recently granted permission on a number of occasions within the Golders Green estate. For example, no.'s 45 and 69 Cumbrian Gardens, 46 and 108 Cheviot Gardens, 103 Cotswold Gardens, 59 and 138 Cleveland Gardens, 84 and 142 Pennine Drive and 18 Chiltern Gardens have all been granted permission for almost identical extensions to the one proposed. The context of these approved extensions is similar to the host site, with a gable ended roof and existing rear dormer. Therefore, the proposed extension is a characteristic of the surrounding area.

The proposed first floor rear extension appears as a proportionate addition to the dwellinghouse. The design of the proposed extension is sympathetic to the existing dwellinghouse, involving a pitched roof and being well set down from the main roof ridge. Given its scale, design and siting, it is considered that the first-floor rear extension would have an acceptable impact on the streetscene, character and appearance of the host property. As such, it would comply with Policy DM01.

Furthermore, first floor rear extensions are a characteristic of the surrounding area. There is an example of an almost identical first floor extension at the neighbouring property no.18 Cleveland Gardens. The first-floor extensions in the surrounding also use pitched roofs.

New front porch

Front porches should be designed to ensure that the character and appearance of the property and street scene is not harmed.

Due to the design, size, height and siting of the proposed porch it is considered that the development would not cause harm to the character and appearance of the existing building, the street scene and the wider locality. The porch will be subordinate in scale when compared with the main dwelling and doesn't appear as a bulky or prominent feature. Properties along Chiltern Gardens also benefit from porch extensions, with each being a different design and size. Therefore, this development is not found to harm the appearance of the street scene and local area. It is also noted that this porch would be within permitted development.

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

It is 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 host property shares a party wall with the neighbours at no.39 Chiltern Gardens. The proposed ground floor rear extension will have a depth of 3.5 metres along the shared boundary wall with no.39. This complies with the residential design guidance for semi-detached properties. Therefore, the ground floor extension is not considered to cause significant adverse impact, in terms of loss of light, outlook, or appear overbearing to the adjoining neighbouring property at no.39 Chiltern Gardens. Furthermore, due to the distance of approximately 2.2 metres between the host site and the nearest flank wall at the neighbouring property no.35 Chiltern Gardens, the ground floor extension will not have a detrimental impact on the amenity of occupiers at no.35.

Paragraph 14.23 of Barnet's Residential Design Guidance SPD states that first floor rear extensions with a depth greater than 3 metres and closer than 2 metres to the boundaries shared with the adjoining neighbours will usually have a detrimental effect on the amenities of the neighbours. The proposal is considered to comply with the residential design guidance and as it will measure 3 metres in depth and will be 2.5 metres from the shared boundary of the adjoining neighbour at no.39 Chiltern Gardens.

The proposed extension is set away by 2.5 metres from the adjoining property at no.39 Gardens and will be approximately 2.2 metres from the nearest flank wall at the neighbouring property no.35 Chiltern Gardens. Taking into account the proposed scale and size of the first-floor extension relative to the existing building and the neighbouring properties, it is not considered that the proposal will result in unacceptable levels of harm to the visual or residential amenity of neighbouring occupiers at no.35 and no.39 Chiltern Gardens in accordance with Policy DM01 of the Development Management Policies DPD. In respect of the side window to no. 35 which the resident states serves a kitchen, this room is unextended and the size of the kitchen would be unlikely to meet the size to be considered a habitable room.

It is also noted that no new windows are proposed within the first-floor side elevation of the extension and therefore would be no adverse impact on the neighbouring amenities in relation to overlooking and loss of privacy. There is a window proposed at the rear elevation of the first-floor extension. This will have no impact on the neighbouring property located to the rear of the host property as it is considered to be a significant distance away that it will not cause any overlooking or privacy issues. In addition, this new window will not give rise to any harmful overlooking into adjoining neighbouring properties.

It is considered that due to the size and positioning of the proposed porch there would be an acceptable impact on the amenity of the neighbouring occupiers.

5.4 Response to Public Consultation

Mostly addressed in the main body of the report, however the following points can also be made:

- The extensions are proportionate and subordinate additions and therefore do not comprise overdevelopment
- The extensions are in keeping with planning policy guidelines with regards to size

and distance from neighbouring sites, therefore the development is not considered to result in an unacceptable loss of light to neighbouring sites

- This application is for the property to remain as a single family dwelling. Any conversion would be subject to a planning application
- The extensions would not result in parking pressures
- The development is not considered to have a significant detrimental impact on wildlife

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.

