

Location **49 Albert Road London NW4 2SH**

Reference: **20/6308/S73** Received: 30th December 2020
Accepted: 30th December 2020

Ward: Hendon Expiry 24th February 2021

Case Officer: **Radhika Bedi**

Applicant: Yossi Levi

Proposal: Variation of Condition 7 (Restriction of Permitted Development) of planning permission 16/1008/FUL, dated 29/04/2016 for `First floor front/side extension to the North elevation and internal alterations to facilitate the conversion of existing split level property (comprising of two flats) in 2no semi detached dwellings.` Variation to wording to exclude Class B from restricted classes

OFFICER'S RECOMMENDATION

Refuse

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 proposed reinstatement of permitted development rights under Part 1, Class B to Schedule 2 of the General Permitted Development Order would enable potential resultant development which, by virtue of its size, siting, scale, bulk and design, would constitute a disproportionate, discordant and incongruous addition, to the detriment of the character and appearance of the host property, street scene and surrounding area, contrary to Policy DM01 of the LB Barnet Development Management Policies DPD (2012), Policy CS5 of the Barnet Core Strategy (2012), Policies 7.4 and 7.6 of the London Plan (2016) and the Residential Design Guidance SPD (2016)
- 2 The proposed reinstatement of permitted development rights under Part 1, Class B to Schedule 2 of the General Permitted Development Order would enable potential resultant development which, by virtue of its size, siting, scale, bulk and design, may result in a harmful loss of outlook and increased sense of enclosure, to the detriment of the residential amenities of neighbouring occupiers, contrary to Policy DM01 of the LB Barnet Development Management Policies DPD (2012), Policy CS5 of the Barnet Core Strategy (2012), Policies 7.4 and 7.6 of the London Plan (2016) and the Residential Design Guidance SPD (2016)

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.

- 2 The plans accompanying this application are:

Site Location Plan (received 30/12/2020)

Planning Statement; Design and Access Statement; Site Location Plan; Existing Site Plan; Existing Elevations; Existing Ground Floor Plan; Existing First Floor Plan; Existing And Proposed Roof Plans; Proposed Site Plan; Proposed Elevations; Proposed Ground Floor Plan; Proposed First Floor Plan.

OFFICER'S ASSESSMENT

This application has been brought before the Committee at the request of Cllr Fluss for the following reason:

49 Albert road would like to discuss of family homes which are needed in Barnet

1. Site Description

The application site consists of a two-storey terrace dwellinghouse. The property was originally the end of the terrace and had an L-shaped footprint with two storey rear projection. However, the property has been extended over two storeys to the side and rear and subsequently vertically sub-divided to form two dwellings.

The site is not within a conservation area and is not within an area covered by any relevant Article 4 direction.

2. Relevant Site History

Reference: 16/1008/FUL

Address: 49 Albert Road, London, NW4 2SH

Decision: Approved subject to conditions

Decision Date: 29 April 2016

Description: First floor front/side extension to the North elevation and internal alterations to facilitate the conversion of existing split level property (comprising of two flats) in 2no semi detached dwellings

Reference: 19/5118/HSE

Address: 49 Albert Road, London, NW4 2SH

Decision: Approved subject to conditions

Decision Date: 1 November 2019

Description: Roof extension involving rear dormer window and 2no front facing rooflights

Reference: 19/4153/192

Address: 49 Albert Road, London, NW4 2SH

Decision: Withdrawn

Decision Date: 22 August 2019

Description: Roof extension, including rear dormer window and 2no. rooflights to front roofslope

3. Proposal

This application proposes the variation of Condition 7 of planning permission 16/1008/FUL, to remove Class B from the list of restricted permitted development rights. This would enable larger scale roof extensions to be carried out without requiring planning permission.

4. Public Consultation

Consultation letters were sent to 74no neighbouring properties.

One response has been received throughout the consultation period, the main points of concern are:

Sunlight and outlook

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

The NPPF states that 'good design is a key aspect of sustainable development, 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 2021

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. 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.

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: CS1, CS5,

Relevant Development Management Policies: DM01.

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

Potential impacts upon 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), D3 (of the London Plan).

Condition 7 of planning permission states that:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D, E, F of Part 1 of Schedule 2 of that Order shall be carried out within the curtilage of the site hereby approved.

The reason for applying the condition is stated as being:

To safeguard the amenities of neighbouring occupiers and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

Para. 14.33 of the Residential Design Guide SD 2016 states that dormer roof extensions should not overlap or wrap around hipped roofs or rise above the ridge. Adequate roof slope above and below the dormer is required on semi-detached and terraced properties and any dormer extension should be set in at least 1 metre from the party wall, flank wall or chimney stack. Dormer roof extensions should normally be subordinate features on the roof and should not occupy more than half the width or half the depth of the roof slope.

The effect of the removal of the condition would be to enable larger scale roof extensions to be erected without the need for planning permission from the LPA. Such extensions are not subject to aesthetic consideration and are invariably entirely at-odds with the expectations of the Guidance (pursuant to Policy DM01) as outlined above. They result in disproportionate and overly dominant additions which subsume the corresponding roof slope and consequently undermine the integrity of the host property and the character and appearance of the surrounding area.

In this case, the siting of the property on a corner plot, where there is a curve in the road is also worth noting. As a result, any large scale roof extension would be highly visible in the street scene, to the greater detriment of this exposed location.

It is acknowledged that there are examples of larger roof extensions in the surrounding area. However, they are not considered to be numerous enough such as to define the character of the area and insofar as they are apparent, demonstrate the inappropriate result that would likely arise from the decision of the LPA to relinquish control.

It is also worth noting that the property benefits from an existing approved planning permission for a rear dormer window, application reference, 19/5118/HSE. This approved rear dormer is already generous with regard to the default expectations of the SPD - a decision made with regard to the surrounding examples. Any further potential increase in scale of amended design/siting etc that may be afforded by removing the restrictive condition is considered would be harmful - as in the previously submitted scheme under ref 19/4153/192 which was withdrawn when the Applicant was advised that permitted development rights did not pertain. That decision is believed to be the catalyst for this latest application.

On that basis, the removal of the current restriction is considered undesirable.

Potential impacts upon the amenities of neighbouring residents

It will be important that any scheme addresses the relevant development plan policies (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. Any application should include plans demonstrating how this has been achieved. Specific areas which will need to be addressed in this regard include the proposals impact on daylight and sunlight, privacy and outlook/sense of enclosure

The proposed restatement of Class B permitted development rights at the host site is not considered to automatically result in an adverse impact in respect of residential amenity. However, it would be contingent upon the subsequent design, size and siting of any proposal and - in removing the restriction - the LPA would relinquish its opportunity to object and therefore to provide a safeguard against a harmful loss of amenity

The creation of a large roof extension in this instance may compromise the outlook from the adjoining rear dormer at No 51, appearing as overbearing and dominant and increasing the sense of enclosure as a result of scale, projection and immediacy to the common boundary.

Such a development would be unacceptable with regard to the expectations of Policy DM01 and the Residential Design Guidance SPD and as such, the removal of the current restriction is considered undesirable.

5.4 Response to Public Consultation

N/A

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 that the potential resultant development would have an unacceptable impact on the character and appearance of the application site, the street scene and the locality. Depending upon the design, it may also result in a detrimental impact on outlook and sense of enclosure from the rear dormer of the adjoining property at No 51. This application is therefore recommended for REFUSAL.

