

**Location** 19 Esmar Crescent London NW9 7BL

**Reference:** 21/2350/HSE Received: 26th April 2021  
Accepted: 27th April 2021

Ward: West Hendon Expiry: 22nd June 2021

**Case Officer:** Radhika Bedi

Applicant: Ms S Palekar

Proposal: Alteration and extension to existing roof to accommodate a disabled bathroom at first floor level

### **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 development, by virtue of its size, siting, height, design and overall bulk, would appear disproportionate, visually obtrusive and dominating additions and result in detrimental harm to the character and appearance of the host property, street scene and surrounding area, contrary to Policies CS NPPF, CS1 and CS5 of the Core Strategy DPD (2012), Policy DM01 of the Local Plan Development Management Policies DPD (2012) 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:

Drg No 01 - Existing Floor Plans  
Drg No 02 - Existing Elevations  
Drg No 03 - Proposed Floor Plans  
Drg No 04 - Proposed Elevations  
Drg No 05 - Site Location Plan, Block Plan

## **OFFICER'S ASSESSMENT**

This application has been called to committee at the request of Cllr Richman for the following reason:

*From the exterior it is still one house, with a side door rather than a garage door.*

*Additionally, the design proposed is a marked improvement upon the existing property, in character with the street, not disproportionate, over large or overbearing and almost if not identical to the house across the street which has the same side extension.*

### **1. Site Description**

The application property is a semi-detached dwellinghouse located at 19 Esmar Crescent, in the West Hendon ward. This property has been formed via the grant of planning permission to subdivide 18 Esmar Crescent (ref: 16/5273/FUL).

The application site is not within a conservation area, does not contain any heritage listed structures and is not subject to any other planning designations. By virtue of the previous approval noted above, the house does not benefit from permitted development rights.

### **2. Relevant Site History**

Reference: 20/3874/HSE

Address: 19 Esmar Crescent, London, NW9 7BL

Decision: Refused

Decision Date: 24 November 2020

Description: Roof extension involving new rear gable end to roof. New front porch

Reference: 17/2634/192

Address: 18 Esmar Crescent, London, NW9 7BL

Decision: Lawful

Decision Date: 19 June 2017

Description: Roof extension involving hip to gable, 4no. rooflights to front and rear elevations

Reference: 16/5273/FUL

Address: 18 Esmar Crescent, London, NW9 7BL

Decision: Approved subject to conditions

Decision Date: 18.10.2016

Description: Conversion of existing dwelling to create 1no additional dwelling. Associated parking and amenity space. New entrance door.

### **3. Proposal**

This application proposes an alteration and extension to existing catslide roof to accommodate a disabled bathroom at first floor level. The first-floor extension to the existing roof measures as 5.6 metres in eave height and 7.7 metres maximum height.

### **4. Public Consultation**

Consultation letters were sent to 6 neighbouring properties;  
No objections were raised throughout the consultation period.

### **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 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 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous 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, CS4, CS5,

Relevant Development Management Policies: DM01.

## Barnet's Local Plan (Reg 19) 2021

Barnet's Draft Local Plan -Reg 19 - Publication was approved for consultation on 16th June 2021. The Reg 19 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It is Barnet's draft 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 the policies and site proposals in the draft Local Plan.

## 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

Officers consider that the main planning considerations are as follows:

- 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

#### Potential impacts upon the character and appearance of the existing building, the street-scene and the wider locality

The Councils Residential Design Guidance SPD 2016 advises that roof extensions should be subordinate additions constructed with materials which are in keeping with the rest of the house, also advising that care should be taken in the design and location of extensions to minimize impacts upon neighbouring properties.

With regards to the proposed first-floor roof extension, the footprint would not change and instead the proposal would constitute an upward extension of the existing catslide roof. The original roof measures as 2.8 metres in eave height and 5.4 metres in maximum height. This proposal aims to increase the height of this to an eave height of 5.6 metres and 7.7 metres maximum height. Relative to the previously refused scheme, the proposal now incorporates a hip-end to the flank of the roof - as opposed to the previous gable (20/3874/HSE).

Notwithstanding this, as a result of its location to the side of an existing side extension, the prominent flank of the proposal would still appear over-dominant and fails to respect the building line formed by No 1 (opposite) and properties on Cool Oak Lane to the rear - though it is acknowledged that the bend in the road makes this relationship unorthodox. The proposal would be highly visible due to its prominent location and would result in a significant and dominant wall in immediate proximity to the road. With this in mind, it is considered that the proposal would continue to appear out of character within the streetscape.

In 2017 a Lawful Development Certificate was granted for a similar proposal (17/2634/192). However, following the sub-division approved under 16/5273/FUL, the Applicant can no longer implement that Certificate and the Decision Notice for the sub-division includes a condition restricting permitted development rights for the newly formed dwelling. On that basis, the existence of the Certificate can only be given extremely limited weight in pursuit of this current application - which must also include an assessment of the aesthetic merit of the proposal (not required for a Certificate).

Within that context, the proposed roof extension to the first-floor is therefore considered to be detrimental the character and appearance of the host site and street scene Of Cool Oak Lane, contrary to the expectations of Policy DM01.

### 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 D6 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 impacts on daylight and sunlight.

With regards to the proposed roof extension, due to the siting of the host dwelling, the proposed roof extension would result in some degree of overlooking into neighbouring properties along Cool Oak Lane.

However, such overlooking is a common relationship in the surrounding area and there would no material harm to neighbouring amenity in terms of loss of privacy and overlooking. As such, the impact of the roof extension on neighbouring amenity is not considered to be unacceptable in this regard.

Therefore, 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**

N/A

### **6. Equality and Diversity Issues**

Evidence of a disabled badge has been submitted as part of the application and it is assumed that it relates to a current occupier. It is noted that the proposal incorporates a nominally 'disabled bathroom'. However, no discussion of the need or evidence of the appropriateness or capability of the room to meet both those requirements and that of Building Regulations Part M in that regard have been advanced.

The Council hold the view that there would be scope to accommodate an adaptable or accessible bathroom elsewhere and the Applicant is encouraged to engage in pre-application discussion to that effect. Without prejudice to any detail that might emerge, the LPA do not consider that the benefits of the current scheme outweigh the overall harm of the proposal on the character and appearance of the application site and wider locality.

Taking the above into account, It is considered 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 the proposed development would have a materially harmful impact on the character and appearance of the application site and wider locality. The proposal is not considered to have an unacceptable impact on the residential amenities of neighbouring occupiers. The application is therefore recommended for REFUSAL.

