

Location 32 Rowsley Avenue London NW4 1AJ

Reference: 21/1049/HSE Received: 26th February 2021
Accepted: 5th March 2021

Ward: Hendon Expiry 30th April 2021

Case Officer: John Sperling

Applicant: Mallerton Ltd

Proposal: Merging of the single storey rear extension with crown roof. Erection of single storey side and first floor rear extension

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:

U-ML-EP001
U-ML-EE001
U-ML-PE001
U-ML-PP001
U-ML-LP001

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.

OFFICER'S ASSESSMENT

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).

Reference: 20/2488/HSE

Address: 32 Rowsley Avenue, London, NW4 1AJ

Decision: Refused

Decision Date: 21 October 2020

Description: Amalgamation of the ground floor rear extension with crown roof. Erection of ground floor side and first floor rear extension (AMENDED PLANS).

Reason for refusal:

1. The cumulative impact of the proposed formation of a crown roof to the existing ground floor rear extension, by virtue of its height, siting, and excessive rearward projection, would give rise to an unacceptable loss of outlook and overbearing sense of enclosure to the rear habitable rooms and garden of No 30 Rowsley Avenue, to the detriment of the residential amenity of neighbouring occupiers, contrary to Policy 7.6 of the London Plan (2016), Policy CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policies DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Residential Design Guide SPD (2016).

Reference: 20/5924/HSE

Address: 32 Rowsley Avenue, London, NW4 1AJ

Decision: Approved subject to conditions

Decision Date: 14 April 2021

Description: Single storey rear infill extensions between existing ground floor extensions. Erection of approved first floor rear extension

Reference: 21/1431/HSE

Address: 32 Rowsley Avenue, London, NW4 1AJ

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Single storey rear infill extension. Erection of approved single storey side extension

3. Proposal

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

The existing roof extension approved under 19/6017/192 is insitu at the application site.

The proposed application seeks to infill the ground floor rear extensions approved under prior notification reference number 18/6698/PNH. This proposed element would extend to the existing rear wall of the existing extensions. A crown roof design would be implemented, measuring an eave height of 2.53 metres from ground floor level and a maximum height of 3.6 metres.

The current submission includes the front porch extension, first floor rear extension, smaller ground floor rear extension and rear patio which was approved under planning reference number 19/5234/HSE.

The proposal is a resubmission of the development refused permission under planning reference number 20/2488/HSE. Since that time, a further grant of consent under 20/5924/HSE has authorised a single storey rear infill extension between the existing ground floor extensions - albeit at a lower height - in conjunction with the erection of the previously approved first floor rear extension. The scope of this application is therefore in effect limited to the addition of a crown roof to the ground floor rear extension.

4. Public Consultation

No.24 original consultees letters were distributed and 24no objections were received.

The comments received shall be summarised in the following:

- Cumulative impact of the proposed crown roof to existing ground floor rear extension, by virtue of its height, siting and excessive rearward projection, would result in an unacceptable loss of outlook and sense of enclosure from the rear habitable room and garden at No.30 and 34 Rowsley Avenue. Impact would also be felt at Nos 28, 30, 36 and 38 Rowsley Avenue.
- No site visit made
- Submitted photos should be duly reviewed.
- Proposal is out of keeping with the character of the area.
- The property would be suitable for conversion into flats.
- Existing ground floor rear extension is unacceptable, especially when no notification was sent.
- Materials of the property are not found in the wider area.
- The current application and the previously refused application 20/2488/HSE so the decision should be consistent.
- The existing structure is already overshadowing, the proposed roof would worsen this impact.
- No notification was received of the larger 6 metre application. Please provide proof that this occurred.
- Concern over why councillors abstained in previous committee decision.
- We have no confidence in your ability to represent local residents fairly and will be contacting the local press to publicise this failure.

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 20 July 2021. 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 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 to 2041. 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: 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 (2012)

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 (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), and D3 (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 existing two extensions and formation of a crown roof.

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

With regards to the additional crown roof element, as a result of the Prior Approval extensions being set at a lower level, the resultant maximum height would not increase compared to the height (of the extension and rear patio combined) 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 difference from that scheme is that the ground floor extension is now of a greater depth - corresponding to that of the scheme already implemented pursuant to 18/6698/PNH.

The extension is also noted to wrap round to the side extension element (approved 19/5234/HSE) to create a visually congruent and sympathetically designed rear elevation that would be acceptable to the existing dwelling and wider locality.

With regards to the proposed first floor rear extension, it is considered that the assessment made under planning reference number 19/5234/HSE is relevant in this instance. 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 project more than 3 metres in depth are 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 terms of 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.

From the rear of the existing side extension, an additional rear extension would extend 3 metres in depth, 2.47 metres wide, maximum height of 3.5 metres and eave height of 2.7 metres (2 metres when measured from the patio level). This element is identical to the element approved under planning reference number 19/5234/HSE and is considered acceptable on character grounds.

As such, it is found that - within the context of the existing works, previous approvals and minimal change thereof - 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 policies D3 and 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.

The reason for refusal under planning reference number 20/2488/HSE states the following:

"The cumulative impact of the proposed formation of a crown roof to the existing ground floor rear extension, by virtue of its height, siting, and excessive rearward projection, would give rise to an unacceptable loss of outlook and overbearing sense of enclosure to the rear habitable rooms and garden of No 30 Rowsley Avenue, to the detriment of the residential amenity of neighbouring occupiers, contrary to Policy 7.6 of the London Plan (2016), Policy CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policies DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Residential Design Guide SPD (2016)."

On review of the above statement and for the sake of clarity, the planning department confirms that the proposed ground floor infill element is not considered to result in unacceptable harm to the neighbouring occupiers by virtue of being infilled between two existing prior notification extensions approved under 18/6698/PNH - as per the interim approval under 20/5924/HSE.

With the additional crown roof element, the overall height of the structure is not considered to unacceptably increase the maximum height of the rear extension relative to the neighbouring residents at No. 34 by reason of the closest element of the extension corresponding to that already approved under planning reference number 19/5234/HSE. Even with the level change exhibited between the host site and No.34, the impact on the neighbour is not considered materially worse than the previously approved application. It is stressed that in light of the crown roof being sloped away from the boundary line the visual manifestation of the extension would be softened to not result in a materially harmful impact on the neighbouring residents by reason of loss of outlook and sense of enclosure. Further to this, the proposed side extension does not propose any windows to the side elevation, so no loss of privacy is anticipated.

With regards to the impact to the neighbouring residents at No.30, it is accepted that this scheme represents a resubmission of that refused permission under 20/2488/HSE. However - as per the recommendation in that case - the additional massing of the crown roof element is not considered to unacceptably impact upon the amenity of neighbouring residents because it would not increase the height of that part of the extension closest to the rear elevation and windows of No 30 beyond which has already been approved under planning reference number 19/5234/HSE. It is accepted that this application proposes a deeper flank elevation along the boundary however, this depth corresponds to that subsequently approved under 20/5924/HSE. As such, the effective scope of consideration relates to the additional 0.6m in height of the deepest 3m of the flank wall.

On that basis, any additional impact on outlook or corresponding sense of enclosure is not considered to be such as to merit refusal - relative to the consented works and any unsympathetic stepped roof design which might alternatively be proposed by way of an exact amalgamation of those two approvals.

It is acknowledged that whilst nearby surrounding properties may visually see the proposed development it is considered that the impact of which is not materially harmful by reason of loss of outlook, privacy or enclosure.

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.

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.

The host dwelling benefits from an existing side extension measuring a height of 3.0 metres, this application proposes a side extension with a height of 2.86 metres, given this slight reduction in height from that which is existing, officers have raised no concerns regarding a loss of light, outlook or increased sense of overbearing on No.34. The proposed side extension does not propose any windows to the side elevation and therefore no concerns have been raised regarding the proposals impact on the privacy of the neighbouring occupiers at No.34. On balance, officers do not consider that this element of the proposal would unduly harm the amenities of the neighbouring occupiers.

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. On balance, it is not considered that the proposal would unduly harm the amenity of the neighbouring occupiers on Rowsley Avenue.

Overall, officers 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

- Cumulative impact of the proposed crown roof to existing ground floor rear extension, by virtue of its height, siting and excessive rearward projection, would result in an unacceptable loss of outlook, light and sense of enclosure from the rear habitable room and garden at No.30 and 34 Rowsley Avenue. Impact would also be felt at Nos 28, 30, 36 and 38 Rowsley Avenue.

On review, the impact to the immediate and surrounding residents is considered non-deleterious. Please see the main body of the report for further detail.

- No site visit made.

A site visit has been conducted at the application by the case officer on 28th November 2019.

- Submitted photos should be duly reviewed.

The submitted photographs have been reviewed accordingly.

- Proposal is out of keeping with the character of the area.

The proposed development is considered acceptable within character of the existing dwelling, streetscene and wider area.

- The property would be suitable for conversion into flats.

The drawings attached to the application provide no indication that the building will be used for multiple occupancy but will instead remain as a single family dwellinghouse. Further planning permission would be required to convert the existing single family dwellinghouse into an HMO or flats.

- Existing ground floor rear extension is unacceptable, especially when no notification was sent.

Planning reference number 18/6698/PNH was approved as it satisfied the requirements of Class A (g) of The Town and Country Planning (General Permitted Development)(England) Order 2015 - as amended in 2016 by SI 2016 No. 332

The LPA issued consultation letters to the neighbouring properties under planning reference number 18/6698/PNH in accordance with the obligations in the Order. The materials of the extension were not specified under this permission, but would be required to be of similar appearance.

The existing prior approval ground rear extensions have been substantially completed according to the dimensions approved under planning reference number 18/6698/PNH. As such, these extensions are absolved from their reliance on permitted development rights. The completion of the extension allows for the accumulative development to have been constructed in two separate phases each reliant on its own permission.

- Materials of the property are not found in the wider area.

The materials of the property are not necessarily determined by the type of materials in the surrounding area.

- The current application and the previously refused application 20/2488/HSE so the decision should be consistent.

- The existing structure is already overshadowing, the proposed roof would worsen this impact.

The impact of the proposed crown roof would not be worse than developments previously approved at the site and is not considered harmful to warrant the application for refusal.

- No notification was received of the larger 6 metre application. Please provide proof that this occurred.

The LPA issued consultation letters to the neighbouring properties under planning reference number 18/6698/PNH in accordance with the obligations in the Order.

- Concern over why councillors abstained in previous committee decision.

Councillors reserve the right to abstain from decisions.

- We have no confidence in your ability to represent local residents fairly and will be contacting the local press to publicise this failure

Planning applications are determined in accordance with the Policies referred to in Section 5 under 'Planning Considerations.'

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, subject to conditions.

