

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

**Reference:** 21/1431/HSE Received: 16th March 2021  
Accepted: 16th March 2021

Ward: Hendon Expiry 11th May 2021

**Case Officer:** John Sperling

Applicant: Mallerton Ltd

Proposal: Proposed merging of the single storey rear extension with crown roof and rear patio. Erection of single storey side extension. Retention of front extension facilitating a front porch and canopy (AMENDED DESCRIPTION AND DRAWINGS).

### **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:

032RO-A-01-001 - received 17 January 2022  
032RO-A-01-002 - existing block plan - received 17 January 2022  
032RO-A-01-002 - existing and proposed block plans - received 17 January 2022  
032RO-A-02-001 - received 17 January 2022  
032RO-A-02-002- received 17 January 2022  
032RO-A-02-101 - received 17 January 2022  
032RO-A-02-102 - received 17 January 2022  
032RO-A-03-001 - received 17 January 2022  
032RO-A-03-002 - received 17 January 2022  
032RO-A-03-003 - received 17 January 2022  
032RO-A-03-004 - received 17 January 2022  
032RO-A-03-101 - received 17 January 2022  
032RO-A-03-102 - received 17 January 2022  
032RO-A-03-103 - received 17 January 2022  
032RO-A-03-104 - received 17 January 2022  
032RO-A-05-001 - received 17 January 2022

032RO-A-05-002 - received 17 January 2022  
032RO-A-05-101 - received 17 January 2022  
032RO-A-05-102 - received 17 January 2022  
032RO-A-06-001 - received 17 January 2022  
032RO-A-06-002 - received 17 January 2022  
032RO-A-06-003 - received 17 January 2022  
032RO-A-06-004 - received 17 January 2022  
032RO-A-06-101 - received 17 January 2022  
032RO-A-06-102 - received 17 January 2022  
032RO-A-06-103 - received 17 January 2022  
032RO-A-06-104 - received 17 January 2022

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).

## **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: 21/1049/HSE

Address: 32 Rowsley Avenue, London, NW4 1AJ

Decision: Pending Consideration

Decision Date: No Decision Made.

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

### **3. Proposal**

This application seeks full planning permission for the "Proposed merging of the single storey rear extension with crown roof and rear patio. Erection of single storey side extension. Retention of front extension facilitating a front porch and canopy (AMENDED DESCRIPTION AND DRAWINGS)."

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 3.3 metres.

This element is noted to be similar to the development refused under planning reference number 20/2488/HSE but the current submission proposes a lower crown roof (by 0.3m relative to the refused scheme) in order to reduce concerns over neighbouring amenity.

The existing front extension facilitating a front porch and canopy would cumulatively measure a depth of 1.16 metres from the front wall of the property, a width of 5.5 metres up to the boundary line with No.30 Rowsley Avenue and a maximum height of 3.3 metres. The projecting canopy element protrudes 0.28 metres from the existing front extension (0.1 metres beyond the front wall of No.30) and expands the entire width thereof.

#### **4. Public Consultation**

22no original consultation letters were distributed and 18no objections were received.

The comments received may be summarised in the following:

- Concern over depth, height and design of new infill extension and side extension.
- Cumulative impact of the proposed crown roof to existing ground floor rear extension, side extension and first floor rear extension, by virtue of its height, siting, excessive rearward projection and cumulative impact, would result in an unacceptable loss of outlook, light and overbearing 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.
- Impact of first floor rear extension on neighbouring residents.
- There's no change from the previous refused permission under 20/2488/HSE so the decision should be consistent.
- The crown roof would increase the roof height by 1 metre and would result in a harmful impact to neighbours. A flat roof would be more in character and proportionate.

Following receipt of amended plans, a re-consultation has been carried out. The consultation period remains open until the 31st January 2022 and any further responses will be reported in the Addendum.

#### **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 (2021) 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 and 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 on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. 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 and the stage that it has reached.

### 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.

### Supplementary Planning Documents

#### 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 and side extension.

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 increasing its current height of 3 metres to 3.3m

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 crown roof, as a result of the Prior Approval extensions being set at a lower level, the resultant overall height would be 0.3 metres below the height of the previously approved extension under planning reference number 19/5234/HSE and of that refused consent under 20/2488/HSE. 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 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.

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. 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. Overall therefore, 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.

No rooflights are proposed to the proposed side extension, unlike the two which were proposed under planning reference number 21/1049/HSE.



Upon recent site visit by a Planning Manager it was ascertained that the existing front extension providing means of a front porch had been extended without receipt of planning permission. However, a variety of front extensions are in evidence and it is not considered to harmfully increase upon that granted in previous permissions, in particular as the front wall remains flush with that of the neighbouring property at No.30 Rowsley Avenue. As such, the proposed development is not considered to deleteriously proportioned to result in a materially harmful impact on the character and appearance of the existing property, streetscene or wider locality to warrant the application for refusal.

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)."*

In terms of the impact to the residents at No.34, it was noted that a level change exists between the host dwelling and the neighbour. With the shallow crown roof element, the overall height of the structure would be set 0.8 metres below the neighbouring structure and protrude 2 metres from the neighbouring rear wall. Therefore, with the minimal protrusion from the neighbouring rear wall and the increase of 0.3 metres from the existing extension (approved via the prior approval process) the impact to the neighbouring residents is considered to appropriately mitigated and thus acceptable on grounds of outlook and sense of enclosure. No windows are proposed to the side elevation of the extension, so no loss of privacy is anticipated.

With regards to the impact to the neighbouring residents at No.30, the additional massing of 0.3 metres atop the existing extension is not considered to result in a materially harmful the impact to the neighbouring residents by reason of loss of outlook and sense of enclosure and improves upon the relationship previously refused by committee by reducing the overall height by c0.3m from that originally proposed - equating to just 3m above the corresponding ground level at No 30.

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.

The existing front extension and canopy, by virtue of its scale and massing and minimal protrusion from the neighbouring residents, is not considered to result in a materially harmful impact by reason of loss of outlook or sense of enclosure.

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

#### **5.4 Response to Public Consultation**

- Concern over depth, height and design of new infill extension and side extension.

The infill extension is noted to connect the existing ground floor rear extensions. Given the infill would be flush to the rear wall and height of the existing structures the impact is considered to be acceptable on character and amenity grounds.

- 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.

- Impact of first floor rear extension on neighbouring residents.

No first floor rear extension is included in the current application.

- There's no change from the previous refused permission under 20/2488/HSE so the decision should be consistent.

- The crown roof would increase the roof height by 1 metre and would result in a harmful impact to neighbours. A flat roof would be more in character and proportionate. The currently proposed crown roof atop the existing ground floor extensions and proposed infill element is noted to increase the roof height by a maximum of 0.3 metres. This increased height is not considered to result in material harm to the neighbouring residents, especially as the roof would be sloped away from the neighbouring property of No.24 Rowsley Avenue.

#### **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.

