

Location	31 Hervey Close London N3 2HG	
Reference:	21/1702/HSE	Received: 26th March 2021 Accepted: 14th April 2021
Ward:	West Finchley	Expiry 9th June 2021
Case Officer:	Andrew Turner	
Applicant:	Lee	
Proposal:	Single storey rear extension, two storey side extension. Roof extension involving rear dormer window and 3no front facing rooflights Conversion of garage into habitable space. Replacement of garage door with window	

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:

P_001 Rev 00
P_008 Rev 00
P_010 Rev 01
P_020 Rev 01
P_021 Rev 01

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 extensions hereby approved, facing no. 29 and no.33 Hervey Close.

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).

- 6 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until details of temporary tree protection have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan

Core Strategy (adopted September 2012) and Policy G7 of the London Plan 2021.

- 7 Prior to commencement of works, details of foundations must be submitted and approved to this authority that will minimise the harm to tree roots.

The foundations must take account of trees growing in proximity to the development and place piles through the roots to maintain an intact root system. The beams across any the root protection area must be placed at a level that will not require excavations for their installation.

Reason: Prevent harm to trees growing close to the development in accordance local planning policy DM01. This condition would be required, pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM01. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy G7 of the London Plan 2021.

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 contains a semi-detached dwelling house at 31 Hervey Close London N3 2HG. 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. The surrounding area is characterised by semi-detached properties with an eclectic mixture of alterations to the properties including large roof extensions, single storey rear extensions, single storey side extensions and some first floor rear extensions.

To the rear of the property is a group of protected trees (ref TRE/FI/22/A1). There are also trees on neighbouring properties including mature a Judas tree (*Cercis siliquastrum*).

2. Site History

Reference: 21/6384/HSE

Address: 31 Hervey Close, London, N3 2HG

Decision: Application Returned

Decision Date: No Decision Made.

Description: Roof extension involving hip to gable, rear dormer window and 2no front facing rooflights

3. Proposal

The proposal seeks planning permission for the following works to the property:

- Single storey rear extension;
- Two storey side extension;
- Roof extension involving rear dormer window and 3no front facing rooflights
- Conversion of garage into habitable space and replacement of garage door with window.

The single storey rear extension has a depth of 3.5 metres, an eaves height of 2.59 metres and a maximum height of 3.6 metres.

The two storey side extension is set away the boundary with no. 29 Hervey Close by 1 metre at first floor level and set off the recessed front elevation by 0.7 metres and approximately 1.5m from the projecting front wall (with the bay). It would be set 0.5m below the main ridge of the property. Furthermore, the first floor side extension would be set 1.49 metres from the ground floor side extension front elevation. The ground floor side extension would have a roof to match that of the proposed rear extension.

The rear dormer is set off the adjoining property boundary line by 0.45 metres, is 1.97 metres in height and 3.86 metres in width and is set off the eaves of the main roof by 0.44 metres

The window to the front, replacing the garage door would be of a similar design to the windows on the front elevation.

The scheme has been amended during the course of the application to address comments by officers.

The applicant has provided photographs to accompany the application.

4. Public Consultation

Consultation letters were sent to 5 neighbouring properties. 8 objections were received. A

summary of the objections are as follows:

- Character: overdevelopment of site and out of sorts with surrounding area. Incongruous and overly bulky. Doesn't reflect building lines.
- Design does not consider existing dwelling's character.
- Cramped proposed garden size.
- Impact on neighbouring visual amenities owing to the size and scale of the development including overshadowing and loss of outlook
- Failure to meet 45 degree sunlight requirement
- Negative impact on wildlife
- Prolonged disturbance from development process including impacts on traffic and pedestrian access
- Devaluation of neighbouring flat
- Rest of road being over developed
- Impact on neighbouring tree's root protection area
- Brickwork would look at mess owing to being built right up against boundary
- Nearby properties recently turned into flats putting pressure on local services
- Inaccurate drawings - level of rear elevation showing door incorrectly
- Right to light
- Terracing effect

Internal Consultees

The Council's Arboricultural Officer was consulted as part of this planning application. No objection was raised subject to condition (details of comments are provided in the appraisal section below).

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 20th July 2021. 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 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.

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 22) 2021

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 (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.
- Whether harm would be caused to existing trees.

5.3 Assessment of proposals

No site visit was carried out by the case officer. Photos provided by the applicant were relied upon to make this decision.

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), D3 and D4 (both of the London Plan).

As noted above, the proposal seeks planning permission for a single storey rear extension, two storey side extension. Roof extension involving rear dormer window and 3no front facing rooflights Conversion of garage into habitable space. Replacement of garage door with window.

Single storey rear extension:

Barnet Council's Residential Design Guidance SPD (2016) states "the depth of a single storey rear extension, normally considered acceptable for... detached property is 4 metres". Following amendments, the single storey rear extension has a depth of 3.5 metres an eaves height of 2.59 metres and a maximum height of 3.6 metres. Therefore, the extension is in accordance with Barnet Council's Residential Design Guidance SPD (2016) and the impact on the character of the area will be acceptable, and therefore complies with DM01. It is noted that there are other extensions with a similar depth in the vicinity and therefore the proposal is not uncharacteristic.

Two storey side extension:

Barnet Council's Residential Design Guidance SPD (2016) Paragraph 14.15 states: "Side extensions should not be more than half the width of the original house. In addition, the setting back of the front wall of side extensions from the front building line can help to reduce the visual impact on the street scene. First floor side extensions should normally be set back 1 metre from the front main wall of the existing house."

Paragraph 14.17 states: "In order to reduce the visual impact of two storey or first floor side extensions, there should normally be a minimum gap of 2 metres between the flank walls of properties at first floor level (i.e. a minimum gap of 1m between the boundary and the extension at first floor level for most two storey extensions)."

Following amendments, the two storey side extension is set off the existing recessed principal elevation by 0.7 metres and the ground floor side extension front elevation by 1.49 metres which is a similar depth to the bay window before it steps out. The set back is greater from the projecting bay window and in this context, the set back is considered to be acceptable.

The two storey side extension is also 1 metre from the side boundary and is in accordance with the Residential Design Guidance in this regard. The two storey side extension comes flush with the existing rear elevation at first floor level. It is also set down from the main roof to appear subordinate. Therefore, overall, the first floor side extension is considered to be a subordinate extension to the dwelling and is in accordance with Barnet Council's Residential Design Guidance SPD (2016) and the impact on the character of the area will be acceptable, and therefore complies with DM01.

Rear Dormer window:

Barnet Council's Residential Design Guidance (2016) recommended rear dormer windows be half width and depth of the main roof space. The existing dwelling width at the top of the dormer is 4.51 metres and the existing height of the roof slop is 2.78 metres. The rear dormer is set off the adjoining property boundary line by 0.45 metres, is 1.97 metres in height and 3.86 metres in width and is set off the eaves of the main roof by 0.44 metres. It is noted that the proposed rear dormer exceeds that recommendation.

Officers have considered the fall-back position and how much weight this should be given, considering that the property benefits from permitted development rights.

It is noted that no planning permission has been given for other roof extensions within the street and seemingly the works have been carried out under permitted development.

It is acknowledged that should the rear dormer roof extension be built at the same time and in conjunction with the other roof extension elements, it may mean there is no fallback position of permitted development. In this particular instance, a much larger dormer in isolation could be built within the constraints of Class B. The proposed dormer, albeit larger than recommended by the RDG, sits comfortably within the roofslope and is not considered to be overly dominant. Furthermore, there are several other properties along the street which have also extended their roofspace providing an eclectic mixture of roof forms along the street including larger rear dormer windows than that being proposed. Therefore, on balance, the rear dormer is considered acceptable.

3no front facing rooflights

The three front facing roof lights appear are subordinate in size. They therefore comply with the Barnet's Residential Design Guidance (2016) and DM01.

Garage Conversion

The conversion of the garage into habitable space complies with permitted development rights. There are several other properties which have replaced their garage door with a window in the front elevation following the conversion of the garage into habitable space. This includes no. 27 and 29 Hervey Close. Several properties along the street do not appear to have had garages built with the property.

The proposed garage conversion is considered acceptable and would not be out of character with the host site or streetscene. The window would be a similar design to other windows on the front elevation. Off-street parking would be retained and therefore it is not considered that the proposal would increase parking pressures.

Conclusion

The proposed elements of the planning application appear in character with the surrounding area and are compliant with the DM01.

The development is considered, overall, acceptable on the grounds of character issues.

Impact on the amenities of neighbouring occupiers:

It will be important that any scheme addresses the relevant development plan policies (for example policy CS05, DM01 and DM02 of the Barnet Local Plan and policy D3 and D5 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. These policies seek to manage the impact of new developments and ensure that there is not an excessive loss of amenity in terms daylight/sunlight, outlook and privacy for existing residential occupiers or gardens.

Regarding the impact on no. 29 Hervey Close, this property benefits from a single storey side extension of a similar depth to the proposed ground floor rear extension. Moreover, following amendments the single storey rear extension is 3.5 metres in depth and compliance with Barnet's Residential Design Guidance (2016). The first floor side extension is set off the boundary with no. 29 Hervey Close and is 2 metres from their flank wall and therefore is compliance with Barnet's Residential Design Guidance (2016) in this regard. There are no windows proposed in the first floor side elevation and therefore no undue overlooking. The rear dormer is sufficiently set off the boundary with no. 29 Hervey Close as not to detrimentally the impact of no. 29 Hervey Close. Therefore, the overall impact is considered acceptable and complies with DM01.

Regarding the impact on no. 33 Hervey Close, they do not benefit from a rear extension along the side boundary neighbouring no. 31 Hervey Close. There also appear to be a habitable window to the rear of no. 33. Following amendments, the single storey rear extension is 3.5 metres in depth and compliance with Barnet's Residential Design Guidance (2016). The first floor side extension is not visible from no. 33 Hervey Close and therefore causes no impact on the amenity of no. 33 Hervey Close. The rear dormer is sufficiently set off the boundary with no. 33 Hervey Close and not projecting further than the existing house, as not to detrimentally the impact of no. 33 Hervey Close. Therefore, the overall impact is considered acceptable and complies with DM01.

Given the reduction in the depth achieved in the amended scheme, it is not considered that the rear extension would result in unacceptable overshadowing to either neighbouring property.

Subject to conditions, the development is considered acceptable on the basis of residential amenity issues and therefore compliant with DM01.

Impact on existing trees

As noted above, there are protected trees located on land at the rear of the 31 Hervey Close but based on the measurements provided these are over 20m from the development area and will not be impacted by the works.

The Council's Arboricultural Officer was consulted as part of this planning application and the following comments were provided:

"There are protected trees located on land at the rear of the 31 Hervey Close but based on the measurements provided these are over 20m from the development area and will not be impacted by the works."

Located to the rear of 33 Hervey Close is a mature Judas tree (*Cercis siliquastrum*) the tree owner has objected on the grounds that the rear extension may impact on tree roots. The tree is positioned close to the proposed rear extension and would likely be within the RPA of this tree. Recent photographs show this tree to have been reduced in height significantly, probably due to its size and proximity to the rear of 33 Hervey Close.

This reduction in height means that the impact of the proposed rear extension has to a large degree been mitigated for. The applicant could reduce the impact further with the installation of piles instead of traditional strip foundations, however this would be optional.

It would be prudent to have tree protection measures in place to ensure that harm to this tree within 33 Hervey Close is kept to a minimum with the use of ground protection within the notional tree root protection area to protect the soil from compaction. Additionally, tree protection fencing should be installed across the garden to contain construction activities and protect soil, trees and shrubs."

Tree conditions were suggested and added to this recommendation.

Therefore, subject to conditions the proposed is considered acceptable with regard to the impact on trees and wildlife, complying with DM01.

5.4 Response to Public Consultation

- Character and design
- Terracing effect

Comments relating to the impact on character and design of the extensions are considered to have been addressed by the amendments; this is assessed in more detail in the appraisal above. Following amendments, the extensions are now considered subordinate to the existing dwelling. The design is considered to be sympathetic to the host property.

- Cramped proposed garden size.

Following amendments this has been addressed through a reduced single storey rear extension. The property would continue to benefit from sufficient outdoor amenity space, in excess of the minimum requirements.

- Impact on neighbouring visual amenities owing to the size and scale of the development including overshadowing and loss of outlook

- Failure to meet 45 degree sunlight requirement

Following amendments, as discussed above, the impacts on residential amenity are deemed acceptable.

- Impact on neighbouring tree's root protection area

This has been assessed and discussed above.

- Brickwork would look at mess owing to being built right up against boundary.

The design is considered acceptable, and materials would match existing

- Negative impact on wildlife

The site has not been identified as an area of special ecological value.

- Prolonged disturbance from development process including impacts on traffic and pedestrian access

There would be expected to be some degree of disturbance associated with building works however these are not grounds to refuse the application.

- Rest of road being over developed

- Nearby properties recently turned into flats putting pressure on local services

Officers can only assess impact of the current application.

The following are not material considerations in determining applications:

- Devaluation of neighbouring flat

- Inaccurate drawings - It is considered that the plans are accurate

- Right to light- This is a civil matter and separate from daylight and sunlight.

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 amended 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 or on adjacent trees. This application is therefore recommended for approval.

