

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

Reference: **21/6135/HSE** Received: 22nd November 2021
Accepted: 13th December 2021

Ward: West Hendon Expiry 7th February 2022

Case Officer: **Radhika Bedi**

Applicant: Ms S Palekar

Proposal: First floor side extension and associated roof extension.

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 as a disproportionate, visually obtrusive and dominating addition 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 Plans
Drg No 02 - Existing Elevations
Drg No 03 - Proposed Plans
Drg No 04 - Proposed Elevations
Drg No 05 - Site Location Plan, Block Plan
Supporting photos

OFFICER'S ASSESSMENT

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

I wish to call it in because it is demonstrably an improvement on the current appearance, and it better fits in with the character and look of the street. It is almost identical to the property directly across the road and is not overbearing, over large or in any other respect detrimental.

1. Site Description

The application property comprises an end-of-terrace two storey 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 property sits on the junction with Cool Oak Lane and benefits from a catslide roof.

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: 21/2350/HSE

Address: 19 Esmar Crescent, London, NW9 7BL

Decision: Withdrawn

Decision Date: 28 September 2021

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

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

Reason for refusal:

1. The proposed front porch, by virtue of its siting, design and forward projection and the proposed roof extension, 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).

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 a first floor side extension and associated roof extension, removing the existing catslide roof element adjacent to Cool Oak Lane.

The side extension would have a width of 3.4m to sit flush with the existing ground floor side elevation. It would be set in from the front elevation by 1m and sit flush with the rear

elevation. The roof would be extended over the proposed side extension to create a hipped roof with a 3.7m wide ridge.

The total eaves height would be 5.6m to the eaves and a maximum height of 8.4m; the maximum height would match the existing height.

Site photos were provided by the applicant as part of the submission.

4. Public Consultation

Consultation letters were sent to 7 neighbouring properties; 1 objection has been received, the main points for consideration are:

- Concern regarding the additional volume and scale of the proposal,
- Out of character, harm to the street scene,
- Overbearing impact & loss of outlook,
- Unsympathetic development to host dwelling.

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 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 22) 2021

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents 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 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

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

Impact upon the character and appearance of the existing building, the street-scene and the wider locality

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), D3, D4 (both of the London Plan 2021).

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. Furthermore, the SPD states that extensions on corner sites will be particularly open to public view and that first floor extensions on these sites should not project beyond the building line of the adjoining road.

The property is located on a corner plot, and as such any development on the site would be visibly from both Esmar Crescent and Cool Oak Lane. Whilst the existing cat slide roof is not a common feature in the vicinity, it is not overly excessive from the streetscene in terms of bulk and massing. The property directly opposite does not feature a catslide roof, but appears to retain its original hipped roof form, which is set approximately 3.3m away from the boundary with Cool Oak Lane.

The proposal which seeks to replace the existing catslide roof with a first floor side extension above the existing ground floor would add considerable bulk and massing at roof level, such that the size of the roof would be greatly increased by this proposal. Whilst the existing catslide roof projects beyond no.33 Cool Oak Lane, it has a relatively low profile along the junction. In contrast, the proposed side extension would increase built form close to the boundary, and as such would appear excessively prominent to the detriment of the established pattern of development. It would fail 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.

It is noted that in response to the previously refused scheme, the proposal now incorporates a hipped roof and has included a set back from the front. Nonetheless, due to the siting, additional bulk and massing and design of the extension the proposal would be highly visible 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 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 very limited weight in pursuit of this

current application - which must also include an assessment of the design and appearance of the proposal (not required for a Certificate).

Within that context, the proposed roof extension is therefore considered to be detrimental the character and appearance of the host site and street scene of Esmar Crescent and 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 and first-floor side extension, due to the siting of the host dwelling, the proposed 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 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.

5.4 Response to Public Consultation

Key planning considerations have been addressed within the report.

6. Equality and Diversity Issues

It is noted that whilst not raised as part of the current application, pursuant to the previously refused application (reference 20/3874/HSE), the applicant provided a disabled badge. The delegated report noted:

"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 that 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 considered to have an acceptable impact on the residential amenities of neighbouring occupiers, however considerable harm has been identified to the character of Esmar Crescent. The application is therefore recommended for REFUSAL.

8. List of Conditions in Case of an Appeal - Without Prejudice

1. Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans:

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

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. 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 elevation, of the extension hereby approved, facing Cool Oak Lane.

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).

