

Location **Morris House 2B Elm Walk London NW3 7UP**

Reference: **22/0433/HSE** Received: 28th January 2022
Accepted: 28th January 2022

Ward: Childs Hill Expiry 25th March 2022

Case Officer: **Will Collier**

Applicant: Mr Suchit Sadana

Proposal: First floor side extension. Conversion of existing garage into habitable space. New access door from the side path. Existing first floor rear bay window increased in depth.

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 Chair (or in their absence the Vice-Chair) 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:

Location Plan, 21052 HHP2 01.01
Existing Elevations, Drawing No. 21052 HHP2 01.04
Existing Ground and First Floor Plans, 21052 HHP2 01.02
Existing Second Floor and Roof Plans, 21052 HHP2 01.03
Proposed Elevations, Drawing No. 21052 HHP2 02.03 Revision A
Proposed Ground and First Floor Plans, 21052 HHP2 02.01 Revision A
Proposed Second Floor and Roof Plans, 21052 HHP2 02.02 Revision A

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 Before the building hereby permitted is first occupied the proposed first floor window(s) in the side elevation facing Magnolia House shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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) and the Residential Design Guidance SPD (adopted October 2016).

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.

- 2 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.

OFFICER'S ASSESSMENT

1. Site Description

The application site comprises a late 19th Century detached dwelling with single storey side element containing a garage and habitable accommodation. Immediately adjacent to Morris House are Glass House to the south west and Magnolia House to the north east.

The site is not within a designated conservation area.

The site does not contain any statutory or locally listed buildings, nor is it immediately adjacent to any. It is not within an Area of Special Archaeological Interest.

The wider character of development within the Elm Walk area is a mixture of modern and traditional detached houses with harmonious spacing between properties.

2. Site History

Reference: 22/0782/192
Address: Morris House, 2B Elm Walk
Decision: Withdrawn
Decision Date: 23 March 2022
Description: Erection of a rear outbuilding

Reference: 21/5837/HSE
Address: Morris House, 2B Elm Walk
Decision: Withdrawn
Decision Date: 11 January 2022
Description: First floor side extension. Conversion of existing garage into habitable space. New access door from the side path. Existing first floor rear bay window increased in depth. New rear annex building.

3. Proposal

The application seeks planning permission for a first-floor side extension, approximately 4.5 metres wide, set back about 2.8 metres from the front of the house, and aligned with the original rear wall of the house with rear bay window. The extension has a hipped roof set 0.9 metres below the highest ridge of the house, with smaller scale front and rear

gables. 4 rooflights are proposed in the new roof, serving the first floor rooms below.

The proposal also consists of the conversion of existing garage into habitable space, new access door from the side path and enlargement of existing first floor rear bay window.

4. Public Consultation

Consultation letters were sent to 11 neighbouring properties.

5 responses were received.

In objection:

- o Overly bulky and intrusive on the street scene.
- o Harmful to appearance of dwelling and character of area.
- o Overdevelopment
- o Overbearing on neighbouring property, particular to the amenity space area.
- o Loss of garden space - permitted development for outbuildings should be removed if approved to protect garden space.
- o Loss of outlook to neighbour's rear bedroom window at first floor.
- o Proposed second floor plan is incomplete - need further info to show internal layout.
- o Resubmission of 21/5837/HSE, however previous issues not overcome.
- o Terracing effect and loss of views of trees from the streetscene.
- o Submission of inadequate and inaccurate information to accompany the application.

5.1 Policy Context

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 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 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, DM06

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.

5.3 Assessment of proposals

- 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 which states that all proposals should preserve and enhance the local character of the area, as well as policies CS05 (both of the Barnet Local Plan), D1, D3 and D6 (of the London Plan).

Concerning side extensions the Barnet Residential Design Guide 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 (para 14.15, Barnet Residential Design Guide)".

The proposed side extension is set back more than 1 metre from the front and is more than 0.5 metres from the ridge of the main roof (para 14.16, Residential Design Guide). It is also less than half the width of the house and would retain a 2 metre minimum gap between the flank walls of properties (with Magnolia House) at first floor level, in compliance with paragraph 14.17 of the Design Guide. The pitched roof and smaller front and rear gable designs of the side extension are considered to be consistent with the design and character of the house.

The garage conversion would have little impact on the appearance of the dwelling, and the enlargement of the rear existing rear bay is considered minimal.

The proposed side extension, garage conversion and other alterations are thus assessed to be subordinate in scale and appropriate in design, in compliance with the Residential

Design Guide.

Materials are to match existing and should be conditioned as such.

- Whether harm would be caused to the living conditions of neighbouring residents.

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan 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.

The nearest neighbouring dwelling to the development is Magnolia House, located north-east of Morris House, a dwelling of contrasting, modern design with flat roofs used as amenity space, built in 2004.

Privacy:

There is only one first floor side window proposed, which is marked as obscure glazed on the drawings and this serves a corridor. This should be conditioned as so to ensure no adverse overlooking to Magnolia House.

Outlook and Light:

The main consideration is the impact on Magnolia House, which has a rooftop sun terrace. It is highlighted in neighbour objections that the extension would have an overbearing impact on this rooftop space, resulting in loss of sun and outlook. It is also highlighted in comments that the rear bedroom window would suffer loss of outlook due to the rear part of the side extension.

Whilst it is acknowledged that the proposed side extension would come closer to Magnolia House, the question is whether it would do so in an adverse manner in terms of causing an overbearing impact. In making such an assessment, it is considered that the rooftop of Magnolia House functions as private outdoor amenity space, and as such a useful comparison would be to compare the proposal with the impact of permitted development on a neighbouring garden.

Under permitted development, a side extension within 2 metres of a common boundary (such as the boundary of a neighbouring garden) should not have an eaves height that exceeds 3 metres; and any single storey side and rear extensions should not exceed 4 metres in maximum height.

In this case, the first floor side extension is 2 metres from the common boundary with Magnolia House with a ridge height that rises marginally over 4 metres above the level of the rooftop at Magnolia House. However, because the roof is pitched, it does not reach a height of 3 metres (above the level of the rooftop) until it is 3.6 metres away from the common boundary, and its highest part (the ridge) is 4.3 metres away from the boundary with Magnolia House. And at 2 metres away from the boundary it is only 0.9 metres above the neighbouring rooftop level. It is thus considered the proposal compares quite favourably to the impact of a single storey extension, which could have an eaves height of 3 metres within 2 metres of the boundary under permitted development. Viewing and assessing the proposal this way would indicate the proposal would have no more impact on the rooftop than a single storey side extension built under permitted development would have on a neighbouring garden.

The proposal's impact on the rooftop is also considered to compare favourably to the impact of an outbuilding under permitted development which can be a maximum of 2.5 metres in height within 2 metres of a boundary. By contrast, the first floor side extension is not less than 2 metres from the boundary and is only 1 metre in height, 2 metres away boundary.

A further consideration is that the first floor side extension complies with the limits set down by the Barnet Residential Design Guide for two storey side extensions, by preserving a minimum 2 metre gap between flank walls at first floor level.

Thus, it is assessed the proposal would not appear detrimentally overbearing on the rooftop of Magnolia House, particularly because the roof design is pitched and sloping, falling in height towards Magnolia House. Whilst it is acknowledged to be visible from the rooftop, its visible presence alone at the scale proposed is not considered to be harmfully overbearing.

With regard to the impact of the rear of the side extension on the outlook of a bedroom window on the rear elevation of Magnolia House close to the boundary, it is considered that whilst the extension would be visible from the window, it does not extend sufficiently far to result in adverse loss of outlook. It should be noted its impact is softened because it is stepped in such that its depth closest to the boundary is only about 1.6 metres beyond the rear of Magnolia House, increasing to 2.6 metres in depth where it is set in. This depth is within the limits of the Barnet Residential Design Guide which states:

"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. This is because they can be too bulky and dominant, and have a detrimental effect on the amenities of neighbours."

With regards to the light impact, taking into account the height being lower than the existing roof height of Morris House and positioned southwest of Magnolia House, it is acknowledged that it could block low level sunlight late in the day but this is not considered to be a harmful level of light loss as it would still receive a significant amount of sunlight during the day. The section of enclosed floor space on the rooftop is highly glazed and would still receive sufficient light.

5.4 Response to Public Consultation

The material considerations raised in the objections have been addressed in the main body of the report.

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.

