

Location **3 Shirehall Lane London NW4 2PE**

Reference: **22/2067/HSE** Received: 18th April 2022
Accepted: 19th April 2022

Ward: **Hendon** Expiry: 14th June 2022

Case Officer: **Madara Tukisa**

Applicant: **Mr A Grossnass**

Proposal: Part single, part two storey rear extension. New first floor front bay window. Front porch extension. Replacement of garage door with window. Roof extension including rear dormer window, enlargement of side dormer windows. Alteration/extension to rear patio (amended description).

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 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 proposed roof of the first-floor rear extension, together with the proposed crown roof extension and rear dormer extension, by virtue of excessive size and rearward projection, would constitute a bulky, incongruous and insubordinate additions that would constitute overdevelopment of the site and would create detrimental impact to the character of the host property and the surrounding area. The proposal is contrary to Policy CS5 of Barnet's Core Strategy DPD (2012), Policy DM01 of Barnet's Development

Management Policies Document DPD (2012) and the guidance contained within Barnet's 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. The LPA has discussed the proposal with the applicant/agent where necessary during the application process. Unfortunately the scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

- 2 The plans accompanying this application are:
4D-240 E00, 4D-240 E 01, 4D-240 P 01, 4D-240 E 02, 4D-240 E 03, 4D-240 P 03,
4D-240 E 04, 4D-240 P 04, 4D-240 E 05, 4D-240 P 05, 4D-240 E 06, 4D-240 P 06,
4D-240 E 07 and 4D-240 P 07 dated 28.02.2022
4D-240 P 02 Revision A dated 18.07.2022

OFFICER'S ASSESSMENT

The application has been called to committee by Councillor Joshua Conway for the following reason:

"Having studied the above-named planning application and looked at the surrounding homes & the extension works they have all carried out, please note that if officers are minded to refuse the application, I would like to call it in.

The plans are smaller in size to those of Number 5 next door. There is no harm to neighbour's amenities and the extension blends in nicely with the surrounding homes. There have also not been any objections from neighbours"

1. Site Description

The application site relates to a two-storey, detached dwelling which is situated on the eastern side of Shirehall Lane. The surrounding area is residential in character, comprising of predominantly detached properties. The site is located within the Hendon ward.

The site is not located within a conservation area and is not subject to any other relevant restrictions.

The property benefits from several non-original extensions including a two storey side, single storey rear and roof extensions involving side and rear dormers.

2. Site History

Planning

Reference: W09674B

Address: 3 Shirehall Lane NW4

Decision: Approved subject to conditions

Decision Date: 15/05/1998

Description: Dormer windows to side and rear elevations.

Reference: W09674A

Address: 3 Shirehall Lane NW4

Decision: Approved subject to conditions

Decision Date: 09/07/1991

Description: Two-storey side and single-storey front and rear extensions.

Reference: W09674

Address: 3 Shirehall Lane NW4

Decision: Refused

Decision Date: 07/05/1991

Description: Erection of two-storey side, single-storey rear extensions and front canopy.

Reference: W03351P

Address: 3 Shirehall Lane NW4

Decision: Approved subject to conditions

Decision Date: 21/05/1986

Description: Restoration of hallway of property to its original state.

Enforcement

No planning enforcement history.

Other relevant history

Reference: 20/4339/HSE
Address: 5 Shirehall Lane, London, NW4 2PE
Decision: Refused (Allowed at appeal, Ref. APP/N5090/D/21/3266193)
Decision Date: (Appeal allowed 23.03.2021)
Description: First floor rear extension

Reference: 20/4339/HSE
Address: 5 Shirehall Lane, London, NW4 2PE
Decision: Refused (Allowed at appeal, Ref. APP/N5090/D/21/3266194)
Decision Date: (Appeal allowed 23.03.2021)
Description: Erection of previously approved first floor rear extension (19/4242/HSE)
[amended description]

3. Proposal

The proposal relates to the following elements:

- Part single, part two storey rear extension. The ground floor rear element would replace the existing single storey rear extension and would take full width of the property, with a depth of 4.5 metres from the original rear elevation. The roof of the ground floor element would be flat with a height of 3.3 metres. The proposed first-floor rear element would also take full width of the property and would align with the existing two-storey rear projection, with a depth of 3 metres from the main rear elevation. The roof of the first-floor element would form part of the roof extension to create a crown roof to the main roof. The proposal also includes a rear dormer to the roof of the first-floor extension which would measure 5.2 metres in width and 2.9 metres in depth.
- The existing rear patio would be extended to take full width of the property and to measure 3 metres beyond the ground floor extension. The patio would measure 0.5 metres in height.
- The existing side dormers would be increased in width from 2.7 metres to 4.4 metres.
- New first floor front bay window, measuring 0.6 metres in depth and 2 metres in width.
- Front porch extension to enclose the existing canopy.
- Replacement of garage door with a window. It has been noted that the garage door serves an existing home office.

Amendments to the proposed scheme were requested during the course of the application as follows:

- omit the rear dormer from the scheme, which extends beyond a non-original roof
- OR
- set down the roof of the first-floor extension and retain a small dormer to the main rear roof

The scheme was not amended as per the amendment request, however the proposed loft plan was amended to replace the proposed bedroom with a study as the side windows would be obscure-glazed and concern was expressed that the bedroom would not have any outlook.

4. Public Consultation

6 consultation letters were sent to neighbouring properties. No responses have been received.

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 National Planning Policy Framework (NPPF) was amended 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.

The Mayor's London Plan 2021

The London 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 for the next 20-25 years. 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 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

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 to Character

Policy DM01 sets out that 'proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

The Residential Design Guidance SPD states that the depth normally considered acceptable for single storey rear extensions to detached properties is 4 metres. It also sets out that two-storey rear extensions should not exceed a depth of 3 metres where they are within 2 metres of the side boundary.

Although the proposed ground floor rear extension would exceed the guidance depth, in relation to the main property it is not considered that this element would be overly dominant to the detriment of the host property or the surrounding area. It has also been noted that both of the neighbouring properties at no. 1 and no.5 Shirehall Lane feature larger rear

extensions. In this context, the ground floor extension is not considered to be uncharacteristic.

It is noted that a first floor full width extension was granted at no.5 Shirehall Lane. Given this existing neighbouring extension and the existing two storey rear extension at the host site, the depth of the proposed first-floor rear extension is considered appropriate in relation to the host property and the surrounding properties. However, it is considered that the roof of the extension which would create a crown roof extension to the main roof, together with the proposed rear dormer beyond the new roof, would create substantial bulk to the property. It is considered that the roof extensions and alterations would create a substantial rearwards projection that is uncharacteristic of the area and that would create a top-heavy, bulky and incongruous appearance to the host property.

It has been noted that the neighbouring property at no. 5 Shirehall Lane benefits from a dormer roof extension and a part single, part two-storey rear extension, however the roof extension was achieved under permitted development (ref: 19/4241/192) and the roof of the first-floor rear extension has a small pitched roof which creates a separation between the dormer extension and the first-floor extension. The roof of the first-floor extension at no.5 does not form part of the roof extension as is being proposed at the host property. As part of the appeal for the first floor rear extensions at no.5 (detailed above), the Planning Inspector noted:

"The stepping down of the built form from the dormer, the first-floor extension and the ground floor extension would also provide a degree of articulation that would help break up the mass of the building and soften any visual impact. As a result of this, neither proposal would represent the over-development of the host property."

In contrast, the large rear dormer proposed at no.3 would be sited beyond an enlarged crown roof and result in a larger roof extension than seen in the vicinity. It is considered that this lack of set down of the roof of the extension results in an insubordinate roof extension.

It has been noted that where other properties in the immediate surrounding area benefit from first-floor rear extensions and roof extensions these are separate elements and/ or do not form part of the same operation. Nearby examples include extensions at no. 7 and no.11 Shirehall Lane.

The property at no. 7 benefits from a two-storey rear extension and a crown roof extension which were approved on 05/09/2012 (app ref: H/02517/12) with a rear dormer extension approved on 15/03/2013 (ref: H/04752/12). Although the neighbouring property features similar extensions, it is not considered that these proposals are comparable as the crown roof element and the roof of the first-floor are separate and do not form part of the same extension. Moreover, the first-floor extension does not span the whole width of the property, the roof of the extension is not set down from the main ridge and the rear dormer is a small addition compared with the proposed dormer under the current scheme at the host property.

The property at no. 11 Shirehall Lane benefits from a part single, part two-storey rear extension and a rear and side dormer which were approved under app ref: H/04033/12 on 29/01/2013. The first-floor rear extension does not span the whole width of the property and the roof of the extension has been set down from the main ridge. Moreover, the rear dormer is a small addition to the main rear roof.

Taking all of the above into account it is considered that the proposed roof extensions together with first floor extension would be excessive and uncharacteristic of the area.

It has been noted that both of the neighbouring properties at no.1 and no.5 Shirehall Lane feature small first-floor bay windows similar to what has been proposed at the host property. It is considered that the first-floor front bay window would be a subordinate and harmonious addition that would be in keeping with the character of the host property as well as the street scene.

It is considered that the replacement garage door with a window, the front porch extension and rear patio would be appropriate and harmonious additions/alterations to the host property that would not create detriment impact to the character of the host property or the surrounding area.

Conclusively, it is considered that the proposal would not be in accordance with Policy DM01 for the reasons detailed above.

Impact to Neighbouring Amenity

Policy DM01 states that 'development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users'.

The Residential Design Guidance SPD states that proposals should be designed to ensure the provision of sufficient privacy, minimisation of overlooking between surrounding dwellings and orientation of buildings to maximise sunlight and daylight.

The neighbouring property at no.1 Shirehall Lane features a part single, part two-storey rear extension. The proposed single storey rear element of the rear extension would more or less align with the neighbouring rear wall which is not considered to unduly impact upon neighbouring amenity. Moreover, given that the first-floor rear extension would not project beyond the existing two-storey rear projection at the host property it is not considered that this element would impact neighbouring amenity at no. 1 Shirehall Lane. It is not considered that the other elements of the proposal would cause significant impact to neighbouring amenity in terms of appearing overbearing or causing significant levels of loss of light, outlook or privacy.

It has been noted that the neighbouring property at no. 5 Shirehall Lane benefits from a part single, part two-storey rear extension. Given that the proposed ground floor extension would not project beyond the neighbouring extension and that the first-floor extension would only marginally project beyond the neighbouring first-floor extension it is not considered that these elements would cause harmful impact to neighbouring amenity. Furthermore, it is not considered that the other elements would unduly impact upon neighbouring amenity at no. 5 Shirehall Lane.

In the event of approval or at appeal, a condition would be recommended to obscure glazed any side windows.

Taking all of the above into account it is considered that the proposal would be in accordance with Policy DM01 in terms of its impact to neighbouring amenity.

5.4 Response to Public Consultation

N/A

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

The proposed roof of the first-floor rear extension, together with the proposed crown roof extension and rear dormer extension, by virtue of excessive size and rearward projection, would constitute a bulky, incongruous and insubordinate additions that would constitute overdevelopment of the site and would create detrimental impact to the character of the host property and the surrounding area. The application is therefore recommended for REFUSAL.

8. Conditions in the Event of an Appeal

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

4D-240 E00, 4D-240 E 01, 4D-240 P 01, 4D-240 E 02, 4D-240 E 03, 4D-240 P 03, 4D-240 E 04, 4D-240 P 04, 4D-240 E 05, 4D-240 P 05, 4D-240 E 06, 4D-240 P 06, 4D-240 E 07 and 4D-240 P 07 dated 28.02.2022

4D-240 P 02 Revision A dated 18.07.2022

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 single storey rear 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. Before the building hereby permitted is first occupied the proposed dormer windows in the side elevations facing no. 1 and no. 5 Shirehall Lane 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).

