

Location Flat 2, 81 Sunny Gardens Road London NW4 1SH

Reference: 22/3953/FUL Received: 1st August 2022
Accepted: 2nd August 2022

Ward: Hendon Expiry 27th September 2022

Case Officer: Radhika Bedi

Applicant: Ms Sanaz Diba

Proposal: Roof extension involving rear dormer and 3no front facing roof lights

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:

81SGR - 100 Site Location Plan
81SGR-101 - B Existing and Proposed Ground Floor Plan
81SGR-102 - B Existing and Proposed first floor plan
81SGR-103 - B Existing and Proposed loft floor plan
81SGR-104 - B Existing and Proposed roof plan
81SGR-105 - B Existing and Proposed front elevation
81SGR-106 - B Existing and Proposed side elevation
81SGR-107 - B Existing and Proposed rear elevation
81SGR-108 - B Proposed Front and Rear View
81SGR-109 - B Proposed Front and Rear View
81SGR-110 - B Proposed Rear View

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).

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 is the end part of a purpose built flat block at the junction with Nursery Walk and comprises the upper floor flat. No. 81 was formed out of a side extension to No.s 83-85, approved together with the conversion of the building to flats under W05973.

There are no significant changes in levels across the applicant site. The rear largely comprises the parking area, with some lawn to the rear and front. The applicant property is not listed nor located on land designated as a Conservation Area and there are no trees subject to Preservation Order.

2. Relevant Site History

Reference: W05973

Address: 83/85 Sunny Gardens Road, London, NW4 1SH

Decision: Approved subject to conditions

Decision Date: 24 January 1979

Description: Conversion of properties into eight self-contained flats with a two-storey side extension to form two additional flats, and with ancillary car-parking at rear.

Reference: 22/3175/FUL

Address: Flat 2, 81 Sunny Gardens Road, London, NW4 1SH

Decision: Withdrawn

Decision Date: 3 August 2022

Description: Roof extension involving rear dormer and 3no front facing roof lights

3. Proposal

The application proposes a roof extension comprising a rear dormer and 3no front facing roof lights.

Amendments have been made during the lifetime of the application, as a result of which the building envelope of the dormer is in line with those of the other part of the building.

The proposed roof extension has an L-shaped footprint measuring 8m in width, 1m in height and a maximum in the tallest section of 1.5m. In profile, the dormer would project 1.3m and 2m for the deepest section.

4. Public Consultation

Consultation letters were sent to 36 neighbouring properties.
8no objection letters were received.

Reasons for objection can be summarised as:

- The freeholders and owners of the ground floor flat have not been notified about this development and do not agree for it to go ahead.
- The managing agents were emailed an Article 13 Notice to be distributed to owners on Friday 1 Aug, the same day as this application was submitted rather than 15 days in advance.
- Roof is not within the demise of Flat 2
- Structural concerns
- The noise of construction
- Satellite illustration and plans of the existing dormers are not accurate.
- Design not in-keeping with other dormers on the property

A re-consultation has been carried out on the amended plans and the outcome 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 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 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.

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, 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) 2022

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 (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.

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 of the proposal on the character and appearance of the building, the street scene and the wider area

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The existing building is effectively in three parts - with No81 forming a later extension of the original. The central and northern part of the building already benefit from wide, but shallow dormers in an L-shaped configuration. As a result however, the prominent rear elevation appears incomplete.

The proposed development - as amended - would introduce a corresponding third dormer which would directly replicate the footprint and profile of those existing. As such, the design would complement the appearance of the main building and be constructed of materials to match.

Roof lights are a common feature of the street scene. Due to their position and design, the proposed front facing roof-lights are considered to be acceptable and would not be detrimental to the character and appearance of the application property and the general locality.

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

Given the modest proportions and the relationship between the proposed loft extension and the neighbouring properties, it is not considered that this scheme would be detrimental to the amenities of the occupants of any neighbouring property in respect of harm to outlook or sense of enclosure.

Having regard to the aspect from the existing rear-facing windows, the proposed new roof-lights and rear dormer due to its location are not considered to have detrimental impact in terms of overlooking or loss of privacy.

Therefore, for the reasons stated above the proposal is considered to be acceptable under Policy DM01.

5.4 Response to Public Consultation

- The freeholders and owners of the ground floor flat have not been notified about this development and do not agree for it to go ahead.
- The managing agents were emailed an Article 13 Notice to be distributed to owners on Friday 1 Aug, the same day as this application was submitted rather than 15 days in advance.

The Application was accompanied by Certificate B citing the freeholder. A copy of the Article 13 Notice (dated 1st August) was also provided. Although Certificate B states note was served on the 1st June, the objection claims it was not served until 1st August (consistent with the date of the Notice). Nonetheless, this was prior to the registration of the application (on the 5th). For the avoidance of doubt, Article 13 of the Development Management Procedure Order (2015) to give requisite notice of the application to any person (other than the applicant) who on the prescribed date is an owner of the land to which the application relates - NOT that notice has to be given on that date. Certificate B correctly identifies the freeholder and evidence of the requisite notice has been provided. The leaseholders of the ground floor flat (and any other leaseholders) did not stand to be directly notified, as their ownership over the roof space is as part of their share of the freehold. The flats were however notified as part of the consultation.

- Roof is not within the demise of Flat 2

An Applicant is not required to be the owner (subject to the correct Certificate having been served). A grant of planning permission does not obviate the requirement for the permission of the relevant landowner(s) to be sought

- Structural concerns

Structural concerns are not a matter relevant to an application for planning permission and would be covered by Building Regulations and the Party Wall Agreement

- The noise of construction

The noise from the construction phase is not a material planning consideration that can be considered within the assessment. The works would nonetheless be controlled by the statutory working hours enforced by Environmental Health.

- Satellite illustration and plans of the existing dormers are not accurate.

The LPA are satisfied that the plans upon which the decision is made are accurate. The existing and proposed aerial views are illustrative and not listed in the approved plans and documents.

- Design not in-keeping with other dormers on the property

The design has been amended during the process of the application and now reflects the existing dormers on the building.

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.

8. Site Location Plan

