

Location 51 Boyne Avenue London NW4 2JL

Reference: 22/5572/HSE Received: 18th November 2022
Accepted: 18th November 2022

Ward: Hendon Expiry 13th January 2023

Case Officer: **Basya Markovits**

Applicant: Mr Sam Epstein

Proposal: Erection of first floor side extension, roof extension with rear dormer window and 1no. front rooflight

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 By reason of its size, design and siting, the proposed roof extension would result in an incongruous form of development, appearing bulky, prominent and out of scale with the host dwellinghouse, and at odds with the established pattern of development in the surrounding area, contrary to policy CS5 of the Barnet Local Plan (Core Strategy) adopted 2012, policy DM01 of the Barnet Local Plan (Development Management Policies) DPD adopted 2012 and the Residential Design Guidance SPD adopted 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:

- 4D-238A E 01 Existing floor plans
- 4D-238A P 01 Proposed floor plans
- 4D-238A E 02 Existing loft and roof plans
- 4D-238A P 02 Existing loft and roof plans
- 4D-238A E 03 Existing front and rear elevations
- 4D-238A P 03 Proposed front and rear elevations
- 4D-238A E 04 Existing side elevations
- 4D-238A P 04 Proposed side elevations
- 4D-238A E 05 Existing sections
- 4D-238A P 05 Proposed sections
- 4D-238A E 06 Existing front isometric view
- 4D-238A P 06 Proposed front isometric view
- 4D-238A E 07 Existing rear isometric view
- 4D-238A P 07 Proposed rear isometric view
- 4D-238A E 00 Block and location plans

OFFICER'S ASSESSMENT

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

"I have viewed the site from all surrounding roads and having studied the application and

looked at the surrounding homes & the extension works they have all carried out, I do not understand why the officers would be looking to refuse.

There is no harm to neighbour's amenities and the extension blends in nicely with the surrounding homes and all homes which back on to Boyne Avenue. There have also not been any objections from neighbours.

1. Site Description

The application site, containing a two storey, semidetached dwelling house with front and rear amenity space and off-street parking, is located at 51 Boyne Avenue, London NW4 2JL, within the Hendon ward. The dwelling is located on uphill terrain with the rear amenity space sited higher than the front.

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. There are no trees under Tree Preservation Orders.

2. Site History

Reference: 22/2506/HSE

Address: 51 Boyne Avenue London NW4

Decision: Approved subject to conditions

Decision Date: 29.07.2022

Description: First floor side and rear extension. Roof extension involving rear dormer window.

Reference: W07814

Address: 51 Boyne Avenue London NW4

Decision: Approved subject to conditions

Decision Date: 17.10.1985

Description: Single-storey rear extension

3. Proposal

Planning permission is sought for:

- Erection of first floor side extension, roof extension with rear dormer window and 1no. front rooflight.

The proposed first floor side extension will sit forward of an existing first floor side extension, towards the front elevation of the dwelling and will measure 2.8 metres in width, 3.8 metres in depth and have a ridge height of 7.8 metres. Due to the uphill terrain, the proposed extension will have a maximum eaves height of 5.8 metres. The proposed first floor side extension will be set back from the front line of the dwelling by 1.00 metres and will be 0.8 metres from the adjoining boundary with No.49 Boyne Avenue. It will have a pitched roof with the ridge set below that of the main roof by 0.8 metres.

The roof extension will include a hip-to-gable extension to the main roof and a rear dormer. The ridge of the main roof will be extended by 3.7 metres with a base width of 9.4 metres and a height of 3.0 metres. The rear dormer will measure 5.2 metres in width, 2.1 metres in height and 3.5 metres in depth.

4. Public Consultation

Consultation letters were sent to 13 neighbouring properties.
No replies were 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 current iteration of the 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 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.

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

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

Impact on Character

Any proposed scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the site's 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 Barnet Local Plan), D3 (London Plan). DM01 helps to protect Barnet's Character and amenity stating that development

should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

First floor side extension

Clause 14.15 of the residential design guidance states that 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.

14.16 further states that pitched roofs help extensions fit in with the street and may be required for single storey extensions. Pitched roofs, following the same pitch as the existing roof, will normally be needed for two storey extensions and should be set down at least 0.5 metre from the ridge of the main roof.

14.17 states that 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).

The proposed first floor side extension will have a width less than half the width of the original house and will have its ridge more than 0.5 metres lower than the main roof ridge of the dwelling. It will be sited 0.8 metres from the adjoining boundary with No. 49 and will be set off from the front line of the house by 1.0 metre. The proposed first floor side extension is therefore seen as a subordinate addition to the main house and, as several examples of first floor extensions are found in the street, it is in keeping with the surrounding area.

It is noted that a similar side extension was approved as part of application 22/2506/HSE in July 2022.

Roof extension

Rear dormer

The Residential Design Guidance SPD (2016) states that dormer windows should normally be subordinate features of the roof and should not occupy more than half the width or the depth of the roof slope. In this case, the proposed enlargement of the rear dormer does not comply with Barnet's Residential Design Guidance SPD, which recommends that dormers do not exceed half the width and depth of the existing roofline.

Paragraph 14.33 of the Barnet's RDG states the dormer extension should be set in at least 1 metre from the party wall, flank wall or chimney stack. The rear dormer does not comply with this as it is set in by only 0.4 metres.

The dormer exceeds the SPD guidance and is clearly a dominant feature, adding considerable bulk to the roof. At this scaling, the development cannot be considered subordinate to the main dwellinghouse. Furthermore, the dormer fails to maintain an adequate amount of roof slope both above and below the development and would be considered a prominent and overly dominant addition to the host property.

Hip-to-gable

The residential design guidance (paragraph 14.35) states that when assessing hip-to-

gable extensions the following criteria should be taken into account:

- o The gable should not unbalance a pair of semi-detached houses or a short terrace
- o The gable should not reduce the degree of visual separation between houses or glimpsed views from the street
- o The gable should not form an overbearing wall facing a street, neighbouring garden or other public place
- o The gable should not appear out of character within the streetscape

In this case, the attached neighbouring property does not benefit from a two-storey side extension or a hip-to-gable extension and therefore the cumulative impact of the proposal would unbalance the semi-detached pair. Boyne Avenue is characterised by pairs of semi-detached properties with hipped roofs and short terraces with hipped roof ends. Although hip-to-gable extensions can be implemented under permitted development, planning permission for these is not normally granted where they are out of character with the prevailing roofscape, except in cases where they are so prevalent that the character of the area has been irremediably altered.

This is not considered to be the case in this instance as, although there are several permitted development type hip-to-gable extensions seen in the street, the properties on this section of Boyne Avenue, including both pairs of semi-detached properties on either side of the application site and the properties opposite, retain their original hipped-roof design.

It is noted that there are some examples of hip-to-gable extensions to the rear of the application site, on Finchley Lane. However, as these do not form part of the street scene on Boyne Avenue they are of minor relevance to this character assessment.

Overall, it is considered that the proposed roof extension would have an unacceptable impact on the character of the host property, its attached pair and the surrounding area. The proposal is therefore found not to accord with Policy DM01 of Barnet's Local Plan and the Residential Design Guidance SPD.

It is noted that the application site benefits from a recent planning approval (Ref, 22/2506/HSE) which includes a roof extension that retains the original hipped-style roof with a more modest rear dormer. That application as originally submitted proposed a hip-to-gable extension identical to the one in this scheme but was amended during the lifetime of the application to achieve approval as it was considered unacceptable by officers in its original form.

Impact on neighbouring Amenity

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy D3 and D6 (of the 2021 London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

Impact on No.49:

The proposed side extension is sited marginally closer than the advised distance of 1.0 metres from the adjoining boundary to this neighbour. However, the host dwelling already benefits from a first-floor side extension and the proposed work would not encroach any further than the flank wall of this existing side element. Due to an intervening garage at this neighbour, the proposed first floor side extension is spaced well over the advised 2.0 metres from the flank wall of this neighbour and is therefore not seen to appear

overbearing to this neighbour. There are no first floor windows in the side elevation. It is seen to have an acceptable impact on the amenity of this neighbour.

Impact on No. 53:

The proposed side extension is not visible from this property and is not considered to have any harmful impact on this neighbour.

The roof extension would not have any negative impact on the amenity of either neighbouring property. Overall, the proposal is not considered to adversely impact on the amenity of any neighbouring properties.

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

Having taken all material considerations into account, it is considered that the proposal does not comply with the Adopted Barnet Local Plan policies and guidance and would not be in keeping with the character and appearance of the host property and surrounding area. This application is therefore recommended for REFUSAL.

8. List of Conditions in the event of an Appeal - Without Prejudice

Approved Drawings

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

- 4D-238A E 01 Existing floor plans
- 4D-238A P 01 Proposed floor plans
- 4D-238A E 02 Existing loft and roof plans
- 4D-238A P 02 Existing loft and roof plans
- 4D-238A E 03 Existing front and rear elevations
- 4D-238A P 03 Proposed front and rear elevations
- 4D-238A E 04 Existing side elevations
- 4D-238A P 04 Proposed side elevations
- 4D-238A E 05 Existing sections
- 4D-238A P 05 Proposed sections
- 4D-238A E 06 Existing front isometric view
- 4D-238A P 06 Proposed front isometric view
- 4D-238A E 07 Existing rear isometric view
- 4D-238A P 07 Proposed rear isometric view
- 4D-238A E 00 Block and location plans

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).

Standard Time Limit

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.

Materials to match

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).

No windows

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 flank elevation(s), of the extension(s) hereby approved, facing 49 Boyne Avenue.

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).



