

Location 170 Holders Hill Road London NW7 1LU

Reference: 23/1847/HSE Received: 27th April 2023
Accepted: 27th April 2023

Ward: Finchley Church End Expiry 22nd June 2023

Case Officer: Erica Mason

Applicant: Mr Rowan Burgess

Proposal: Part single, part two storey side and rear extension. New front porch

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:
 - PL170 - C - 110 (Location Plan)
 - PL170 - 4 - 101 (Existing and Proposed Ground Floor Plan)
 - PL170 - 4 - 102 (Existing and Proposed First Floor Plan)
 - PL170 - 4 - 103 (Existing and Proposed Loft Floor Plan)
 - PL170 - 4 - 104 (Existing and Proposed Roof Plans)
 - PL170 - 4 - 105 (Existing and Proposed Front Elevation)
 - PL170 - 4 - 106 (Existing and Proposed Side Elevation)
 - PL170 - 4 - 107 (Existing and Proposed Rear Elevation)
 - PL170 - 4 - 108 (Existing and Proposed Side Elevation)

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 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 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 other than as approved, shall be placed at any time in the flank walls of the side elevations hereby approved, facing either No 168 Holders Hill Road or No 172 Holders Hill Road.

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).

- 6 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM04 of the Local Plan Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SI 12 and SI 13 of the London Plan (2021)

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 located on the east side of Holders Hill Road, in the ward of Finchley Church End. 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. There are no Tree Preservation Order (TPOs) on the application site.

The site is adjacent to the Dollis Brook (which runs to the rear of the site), which is a designated Site of Importance for Nature Conservation (SINC). This area is also designated Metropolitan Open Land (MOL), although the application site itself falls outside both designations. To the north east are Thornfield Avenue Allotments. The allotments are designated MOL.

Part of the application site falls within Flood Zone 2 (medium probability) and Flood Zone 3 (high probability), in accordance with the flood risk map for planning. The remainder of the site falls within Flood Zone 1 (low probability). The footprint of the dwelling itself falls within Flood Zone 1 (low probability).

2. Site History

Reference: 18/2979/192

Address: 170 Holders Hill Road, London, NW7 1LU

Decision: Lawful

Decision Date: 4 June 2018

Description: Roof extension involving hip to gable, rear dormer window with juliette balcony and 3no front rooflights

Reference: 18/2980/HSE

Address: 170 Holders Hill Road, London, NW7 1LU

Decision: Approved subject to conditions

Decision Date: 8 October 2018

Description: Part single, part two storey side and rear extensions following demolition of existing garage. New front porch

Reference: 18/3021/PNH

Address: 170 Holders Hill Road, London, NW7 1LU

Decision: Prior Approval Required and Refused

Decision Date: 22 May 2018

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 3.71 metres

Reference: 18/3435/PNH

Address: 170 Holders Hill Road, London, NW7 1LU

Decision: Prior Approval Required and Refused

Decision Date: 09 July 2018

Description: A single storey rear extension with a proposed depth of 6 metres, an eaves height of 3 metres and a maximum height of 3.71 metres.

Reference: 19/0732/FUL

Address: 170 Holders Hill Road, London, NW7 1LU

Decision: Approved subject to conditions

Decision Date: 18 June 2019

Description: Conversion of the existing dwelling into 4no self contained flats including two storey side and rear extension following demolition of the existing garage. Associated parking, cycle store, refuse/recycling store and amenity space

Reference: 19/2647/192

Address: 170 Holders Hill Road, London, NW7 1LU

Decision: Unlawful

Decision Date: 04 July 2019

Description: Erection of new outbuilding to rear of garden

Reference: 19/3399/PNH

Address: 170 Holders Hill Road, London, NW7 1LU

Decision: Prior Approval Not Required

Decision Date: 17 July 2019

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 3.71 metres

Reference: 19/4548/192

Address: 170 Holders Hill Road, London, NW7 1LU

Decision: Unlawful

Decision Date: 10 September 2019

Description: Erection of new outbuilding to rear of garden

Reference: 19/6503/192

Address: 170 Holders Hill Road, London, NW7 1LU

Decision: Lawful

Decision Date: 10 January 2020

Description: Erection of an outbuilding

Reference: 20/4011/FUL

Address: 170 Holders Hill Road, London, NW7 1LU

Decision: Refused

Decision Date: 13 November 2020

Description: Erection of a new dwellinghouse [AMENDED DESCRIPTION]

Reference: 20/5478/FUL

Address: 170 Holders Hill Road, London, NW7 1LU

Decision: Approved subject to conditions

Decision Date: 07 December 2021

Description: Erection of a replacement two storey dwelling [REVISED PLANS AND ADDITIONAL INFORMATION]

Reference: 22/0108/S73

Address: 170 Holders Hill Road, London, NW7 1LU

Decision: Approved subject to conditions

Decision Date: 04 March 2022

Description: Variation of condition 2 (Approved Plans) and 3 (Materials) of planning permission 20/5478/FUL dated 17/11/2020 for Erection of a replacement two storey dwelling [revised plans and additional information]. Variation to include anthracite grey roof tiles instead of approved red roof tiles.

Reference: 23/1396/192

Address: 170 Holders Hill Road, London, NW7 1LU

Decision: Lawful

Decision Date: 17 April 2023

Description: Roof extension including hip to gable, rear dormer window with juliette balcony and 3no. front facing rooflights.

Enforcement

Reference: ENF/0655/22

Address: 170 Holders Hill Road, London, NW7 1LU

Status: Case Closed

Decision Date: 07 March 2023

Description: Building Works not in Accordance with Approved Plans 20/5478/FUL

Reference: ENF/0776/20

Address: 170 Holders Hill Road, London, NW7 1LU

Status: Case Closed

Decision Date: 08 December 2021

Description: Building Works not Built in Accordance to Approved Plans

Reference: ENF/0053/20

Address: 170 Holders Hill Road, London, NW7 1LU

Status: Case Closed

Decision Date: 05 February 2020

Description: Untidy Land

3. Proposal

This application seeks planning permission for a part single, part two storey side and rear extension and new front porch.

The proposed side extension measures 1.7 metres in width from the existing flank wall. The ground floor element of the extension has an eaves height of 2.5 metres and is 3.8 metres high to the top of the mono-pitched roof.

The first floor element of the side extension measures approximately 5.4 metres to the eaves and a total height of 7.1 metres to the top of the pitched roof. The roof is set down from the ridge of the main gabled roof by 2.3 metres. The extension is set back by 0.4 metres from the front elevation and 1.7 metres from the front bay element. It has a depth of 14.5 metres which wraps around at the rear to join a two storey rear extension. The side element is set away from the common side boundary with no. 172 Holders Hill Road by 1 metre, with that dwelling being set away from the common side boundary by at least 1 metre as indicated on the submitted Location Plan.

To the rear, the extension extends 3.5 metres in depth from the existing rear elevation at ground floor, across the full width of the property. The single storey rear element measures 2.9m to the eaves and 3.6 metres to the top of the pitched roof. At first floor, the extension extends 4.2 metres from the existing first floor elevation and has a width of 4 metres. The extension is set in 4 metres from the attached neighbour at no. 168 Holders Hill Road. The two storey rear element has a height to the eaves of 5.7 metres and total height of 7.3 metres. The roof of the extension is set down below the ridge of the main roof by 2.3 metres. There is an existing rear dormer to the main roof slope.

The building envelope is the same as that previously approved under 19/0732/FUL. That approval also proposed the conversion of the property to form 4no flats however, in this case the scheme would retain the property as a single dwelling.

4. Public Consultation

Consultation letters were sent to 8no. neighbouring properties.
5no. letters of objections/comments were received.

The objections received can be summarised as follows:

- Previous similar application refused under reference (18/3435/PNH) dated 9 July 2018, refused by the council due to size, siting, height, design and excessive rearward projection - impacting neighbouring amenities at No 168 Holders Hill Road.
(Planners Comments: Each application is decided on its' own merits. The PNH application differs considerably from the current application and is assessed and considered under different guidelines).
- Applicant/developer attempting to turn the rebuilt house into flats
- Dwelling wasn't completed, or reverted back to, the approved planning permission
- Building is unlawful The council cannot consider extensions to it in isolation
(Planners Comments: Following investigation by the Enforcement Team, it is considered that any breaches were rectified sufficiently for the current application to be considered).
- Proposal adversely impacts amenity of no. 168 and the general character and appearance of the host site and wider streetscene
- Loss of privacy, bulky and causes overlooking into neighbouring gardens
- Rear extensions would project rearwards by 4.5m - greater in depth than the proposed part single, part two-storey rear projections refused under application reference 20/4011/FUL
- Impact of proposal made worse when considering the significant box dormer added to the rear and the hip-to-gable extension, roof styles

- Over-development
- Room sizes not in accordance with London Planning SPG
(Planners Comments: The extensions are the same as the approved extension under reference 19/0732/FUL dated 18 June 2019).
- Plans are inaccurate including first floor windows in situ are not those shown on the plans; the ground floor layout includes errors, and a staircase is installed in the rear section
(Planners Comments: The external staircase is not part of the proposal and is temporary access for the builders to utilise.)
- Traffic generation - space for only 2 cars and will possibly add more extensions with eventual aim to convert into flats
(Planners Comments: The application is assessed as a householder application as submitted and not a conversion in to flats. The parking is considered acceptable in association with the proposed extensions).
- Site visit required
(Planners Comments: A site visit completed by the planning officer on 26 May 2023. Also, various site visits were carried out by the Planning Enforcement officer).

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 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.

Existing policies in Barnet's Local Plan (2012) and the London Plan (2021) should not be considered out-of-date simply because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF.

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 2041. 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.

Policy: D1, D3 and D6.

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 and 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)

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 (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 street scene and the surrounding area;
- Whether harm would be caused to the living conditions and amenities of neighbouring properties;
- Whether the proposed development is acceptable in terms of flood risk and impact of flooding;

5.3 Assessment of proposals

Impact on character and appearance:

Policy CS5 of Barnet's Core Strategy DPD (2012) states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design.

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states in point b 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."

Barnet's Local Plan Supplementary Planning Document: Residential Design Guidance SPD (dated October 2016) provides more detailed residential design guidance relevant to Barnet such as local character, density, built form, car parking and amenity space standards connected with new build development. Through these changes the SPD sets out the local priorities for protecting and enhancing Barnet's character.

The proposal relates to a part single, part two storey side and rear extension and new front porch. It is recognised that a number of residential properties in the immediate vicinity benefit from planning permission for part single part two storey extensions including the following properties:

- Planning Reference: 22/1269/HSE

Address: 177 Holders Hill Road NW7 1ND

Proposal Description: Part single, part two storey side and rear extension following demolition of garage and conservatory.

- Planning Reference: 19/4003/FUL

Address: 176 Holders Hill Road NW7 1LU

Proposal Description: Conversion of the existing dwelling into 4no. self-contained flats including a single storey side extension, part single, part two storey rear extension with new patio area and access steps following demolition of existing garage and roof extension including hip to gable and rear dormer window, 4no front facing rooflights and new side gable window. Associated refuse/recycling store and parking.

- Planning Reference: 19/0518/HSE

Address: 135 Holders Hill Road NW7 1ND

Proposal Description: Part single, part two storey front/side and rear extension.

- Planning Reference: 19/0418/HSE

Address: Torcroft 17 Holders Hill Road NW4 1JP

Proposal Description: Part single, part two storey side and rear extension.

- Planning Reference: 18/6939/HSE

Address: 112 And 114 Holders Hill Road NW4 1LJ

Proposal Description: Part single, part two storey side and rear extensions and new front porch to both properties. Demolition of carport and garage of No 112.

Therefore, it is not considered that the proposal in this location would appear out of character with the surrounding area or be harmful to the appearance of the resultant dwelling house in the street scene. Also, the proposed extensions were previously approved under planning reference 19/0732/FUL dated 18 June 2019.

As under the previously approved scheme, the proposed side extension would sit below the roof ridge of the main roof and would also be set back from the front elevation to ensure subordination to the host property. It would maintain a gap of 2m to the first floor of the neighbouring dwelling at no. 172 Holders Hill Road.

The host property is located on Holders Hill Road which comprises of semi-detached pairs of houses of varying character and form. There is no overarching uniform character to the street. The proposed demolition of the garage and erection of the two-storey side extension would not therefore be incongruous within its context. As mentioned above, there are examples of two storey side extensions in the immediate and wider vicinity - some of which are featured on houses that benefit from a gable ended roof and earl dormer roof extension.

Impact on amenity of neighbouring occupiers:

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states in point e that: "Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users."

Paragraph 14.24 of Barnet's Residential Design Guidance SPD (2016) states that:
'Two storey rear extensions need to ensure they do not lead to:

- o loss of light to, and outlook from, windows and glazed doors positioned close to the extension;
- o unacceptable sense of enclosure to house and garden;
- o overbearing impact;
- o harm to the character or appearance of the property and area'.

As under the previously approved scheme, the proposed side extension measures 1.7 metres in width from the existing flank wall. The ground floor element of the extension has an eaves height of 2.5 metres and is 3.8 metres high to the top of the mono-pitched roof. The first floor element of the side extension measures approximately 5.4 metres to the eaves and a total height of 7.1 metres to the top of the pitched roof. The roof is set down from the ridge of the main gabled roof by 2.3 metres. The extension is set back by 0.4 metres from the front elevation and 1.7 metres from the front bay element. It has a depth of 14.5 metres which wraps around at the rear to join a two storey rear extension. The side element is set away from the common side boundary with no. 172 Holders Hill Road by 1 metre, with that dwelling being set away from the common side boundary by at least 1 metre at first floor level.

This neighbouring property has a significant full width 2 storey rear extension...Given the location of the extension to the north of the neighbouring property and the depth of the extensions in relation to the neighbour and distance of the first floor to the boundary, it is considered that there would be no undue impact in terms of overshadowing or an overbearing impact. To the north of the host property, no.172 has windows located in the flank elevation adjacent to the extension however it is considered that any impact in terms of outlook, privacy and daylight/sunlight would not be significantly over and above that which exists already given the height and proximity of the host property to the flank elevation of no.172. No. 172 has a two storey rear extension to similar depth as proposed to the application property. Therefore, the extension in by reason if the size and siting is considered to have an acceptable impact on the neighbouring amenities at no. 172 Holders Hill Road.

To the rear, the extension measures 3.5 metres in depth from the existing rear elevation at ground floor, across the full width of the property - projecting 3.6m beyond no. 168. At first floor, the extension extends 4.2 metres from the existing first floor elevation and has a width of 4 metres. The extension is set in at least 4.2 metres from the attached neighbour at no. 168 Holders Hill Road.

The scale of extensions is as already approved except that this now adjoins a hip to gable and rear dormer constructed at the property under permitted development. To accommodate the extensions with the rear dormer, the roof of the extension at the side and rear has been set down below the ridge of the main roof by 2.3 metres.

In conclusion, it is considered that the proposal is compliant with policy and Barnet's Residential Design Guidance SPD (2016), having an acceptable impact on the neighbouring amenities - similar to the conclusion under 19/0732/FUL.

Impact of flood risk:

Policy DM04 of Barnet's Development Management Policies Document DPD (2012) states in point g that: "Development should demonstrate compliance with the London Plan water hierarchy for run off especially in areas identified as prone to flooding from surface water run off. All new development in areas at risk from fluvial flooding must demonstrate application of the sequential approach set out in the NPPF and provide information on the known flood risk potential of the application site".

London Plan Policy SI 12 Flood risk management and Policy SI 13 Sustainable drainage set out policies regarding flood risk and SUDS. Parts of the application site falls within Flood Zone 1, Flood Zone 2 and Flood Zone 3 (in accordance with the Government's flood map for planning). Most of the garden area is in Flood Zone 2 and Flood Zone 3, and dwelling in Flood Zone 1.

The footprint of the proposed development is as previously approved under 19/0732/FUL and before that under 18/2980/HSE and falls within Flood Zone 1.

By virtue of Footnote 56 to Para 168 of the National Planning Policy Framework (2021), neither a sequential test or exception test are required. Nonetheless, on a prima facie basis the application should be supported by a site specific flood risk assessment (FRA).

However, an FRA was submitted with the previous approval. The Environment Agency were consulted on that application and raised no objection. The site is not within a critical drainage area however, a schematic of the proposed surface water drainage system - highlighting where surface water flows eventually discharge - was secured by way of condition. That condition is proposed to be reapplied.

The proposal therefore complies with the NPPF and policy DM04 of the Development Management Plan Policies.

5.4 Response to Public Consultation

The objections received are discussed within Section 4 (Public Consultation) and also 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 proposal would have an acceptable impact on the character and appearance of the application site, the street scene and the surrounding area. The development is not considered to have an adverse impact on the amenities of neighbouring and future occupiers. It is considered acceptable in all other regards. This application is therefore recommended for APPROVAL, subject to conditions.

