

**Location** **34 Ravenshurst Avenue London NW4 4EG**

**Reference:** **23/3793/RCU** Received: 4th September 2023  
Accepted: 4th September 2023

Ward: Hendon Expiry 30th October 2023

**Case Officer:** **Natasha Campbell**

Applicant: Mr Benjamin Marks

Proposal: Decrease in pitch of outrigger roof/increase in eaves height and amendments to fenestration (retrospective application)

### **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:

8113-P10A, 8113-P11A, 8113-P12B, 8113-P13B, Site Location Plan

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 Within one month of the date of this permission, the first floor side window in the elevation facing No. 35 Ravenshurst Avenue 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).

- 3 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 shall be placed at any time in the side or rear elevations of the extension hereby approved.

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).

### **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 relates to a terraced single family dwellinghouse. The property is not listed and does not lie within a conservation area.

### **2. Site History**

Reference: 15/04483/FUL  
Address: 34 Ravenshurst Avenue, London, NW4 4EG  
Decision: Refused  
Decision Date: 21 September 2015  
Description: Single storey rear extension. Change of use to 2no self contained flats

Reference: 16/0435/FUL  
Address: 34 Ravenshurst Avenue, London, NW4 4EG  
Decision: Refused  
Decision Date: 3 March 2016  
Description: Single storey rear extension. Conversion into 2no self contained flats

Reference: H/03050/11  
Address: 34 Ravenshurst Avenue, London, NW4 4EG  
Decision: Approved subject to conditions  
Decision Date: 26 September 2011  
Description: Single storey rear extension.

Reference: H/03027/11  
Address: 34 Ravenshurst Avenue, London, NW4 4EG  
Decision: Insufficient Fee  
Decision Date: No Decision Made.  
Description: Roof extension including rear dormer window to facilitate loft conversion.

Reference: H/03033/11  
Address: 34 Ravenshurst Avenue, London, NW4 4EG  
Decision: Lawful  
Decision Date: 24 August 2011  
Description: Roof extension including rear dormer window with a juliet balcony to facilitate a loft conversion.

Reference: W16090/07  
Address: 34 Ravenshurst Avenue, London, NW4 4EG  
Decision: Approved subject to conditions  
Decision Date: 7 February 2008  
Description: Single storey rear extension

### **3. Proposal**

Retrospective planning permission is sought for a decrease in pitch of existing outrigger roof/increase in eaves height and amendments to fenestration.

The eaves height of the first floor outrigger will be increased from 5 metres to 5.91 metres resulting in a decrease in pitch.

The first floor rear window will be situated 0.8 metres higher. The first floor side window will have be situated 0.3 metres higher than the existing first floor side window, and larger in size. This side window will be obscure glazed and permanently fixed shut.

### **4. Consultation**

#### **Public Consultation**

Consultation letters were sent to 6 neighbouring properties. 5 objection comments were received.

The objections can be summarised as:

- The ground level of Ravenshurst Avenue is significantly higher than Johns Avenue and the proposed changes in roof pitch/eaves height and fenestration result in an oppressive loss of privacy due to the way in which the raised window looks directly into the back of my home and my garden.
- These tall, bulky, overbearing alterations to the first floor of 34 Ravenshurst Avenue are out of character and damage visual amenity for neighbouring properties.
- The height of the ground floor raised rooflight means it is overbearing, ugly and causes additional loss of visual amenity.
- Concern that over time, rain water will not run off but will collect and may cause damp to the fabric of 33 Ravenshurst Avenue building.
- The appearance is not pretty, given that these are Victorian terraces and deserve listed status.

## **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.

#### 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, DM15, DM16

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.

Policy DM15 states that development adjacent to Green Belt/MOL should not have a detrimental impact on visual amenity and respect the character of its surroundings.

Policy DM16 seeks protection and enhancement of biodiversity and SSSIs.

### 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

Retrospective planning permission is sought for the decrease in pitch of outrigger roof/increase in eaves height and amendments to fenestration which has already been completed at 34 Ravenshurst Avenue.

The decrease in pitch of the first floor outrigger roof and increase in eaves height of 0.9 metres. The first floor rear window will be situated 0.8 metres higher. The first floor side window will have be situated 0.3 metres higher than the existing first floor side window, and larger in size. Both windows will be obscure glazed, and the first floor side window also be conditioned to be permanently shut.

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, CS05 (both of the Barnet Local Plan), D3 and D4 (both of the London Plan, 2021).

While the decrease in pitch of the outrigger roof will differ from the outrigger roofs along the terrace houses of Ravenshurst Avenue, it is not considered to result in negative harm to the character of the area due to the maintenance of a slight pitch, and the position to the rear of the property. Further, the terrace properties behind at Johns Avenue have flat roofed outriggers. Overall it is considered that the raising of eaves and decrease in pitch of the first floor outrigger will not result in a negative impact to the character of the area.

The changes to the fenestration at the rear and side elevation will not be detrimental to the character of the area as they will replace existing windows, albeit in situated at a higher position. Both windows will be obscure glazed.

#### - 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 proposed decrease in pitch of the outrigger and increase in eaves height will not result in any negative impacts to the neighbouring amenity of the property. The proposed fenestration changes will not result in a negative impact to the neighbouring amenity either to the rear of the property at No. 7 Johns Avenue as the window, while situated higher than the existing window, will be obscure glazed to ensure no overlooking to the rear properties. The first floor side window towards No. 35 Ravenshurst Avenue will be conditioned as obscure glazed and permanently shut to ensure no overlooking or impact on neighbouring amenity.

### **5.4 Response to Public Consultation**

- The ground level of Ravenshurst Avenue is significantly higher than Johns Avenue and the proposed changes in roof pitch/eaves height and fenestration result in an oppressive loss of privacy due to the way in which the raised window looks directly into the back of my home and my garden. It is considered the increase in eaves height and raised first floor rear window will not result in a negative impact to amenity of properties at Johns

Avenue situated behind 34 Ravenshurst Avenue as the proposed window will be conditioned as obscure glazed.

- These tall, bulky, overbearing alterations to the first floor of 34 Ravenshurst Avenue are out of character and damage visual amenity for neighbouring properties. It is considered that the decrease in pitch of the outrigger will not be detrimental to the character of the area due to the maintenance of a slight pitch, and location of the outrigger to the rear of the property.

- The height of the ground floor raised rooflight means it is overbearing, ugly and causes additional loss of visual amenity. The height of the ground floor raised rooflight is as approved at appeal under the application 16/0435/FUL.

- Concern that over time, rain water will not run off but will collect and may cause damp to the fabric of 33 Ravenshurst Avenue building. The decreased pitch does maintain a slight pitched roof to allow rain water to run off, with the pitch away from No. 33.

- The appearance is not pretty, given that these are Victorian terraces and deserve listed status. There are no specific restrictions regarding planning for Ravenshurst Avenue, and following review of the proposal within the context of character, it is considered on balance to not result in a negative impact to the character.

## **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.

