

Location **47 Cheyne Walk London NW4 3QH**

Reference: **24/0604/HSE** Received: 15th February 2024
Accepted: 19th February 2024

Ward: Hendon Expiry 15th April 2024

Case Officer: **Ismail Ameen**

Applicant: Mr Ali Shirmohammadi

Proposal: First floor rear extension. Conversion and extension of the existing garage into habitable room, insertion of window to replace the garage door and 2no. skylights to garage roof. Erection of a rear outbuilding

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:

OS MAP LOCATION PLAN
NW43QH. 01 EXISTING GROUND & FIRST FLOOR PLANS
NW43QH. 02 EXISTING LOFT FLOOR PLAN & ROOF PLAN
NW43QH. 03 EXISTING CROSS SECTION, FRONT & REAR ELEVATIONS
NW43QH. 04 EXISTING SIDE ELEVATIONS
NW43QH. 05 PROPOSED GROUND & FIRST FLOOR PLANS
NW43QH. 06 PROPOSED LOFT FLOOR PLAN & ROOF PLAN
NW43QH. 07 PROPOSED CROSS SECTION, FRONT & REAR ELEVATIONS
NW43QH. 08 PROPOSED SIDE ELEVATIONS
NW43QH. 09 PROPOSED OUTBUILDING

NW43QH. 10 EXISTING & PROPOSED SITE 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 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 the existing or with the details specified in the hereby approved plans

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 use of the outbuilding hereby permitted shall at all times be ancillary to and occupied as a gym in conjunction with the main building and shall not at any time be occupied as a separate unit or dwelling.

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties 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 or doors, other than those expressly authorised by this permission, shall be placed at any time in the first floor side elevations of the extensions hereby approved, facing either No 45 and 49 Cheyne Walk.

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 The roof of the all the extensions 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).

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. A pre-application advice service is also offered. 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

This application was called in by Cllr Prager on the grounds that unnatural amount of extension proposed to a single family dwelling contrary to DM01

This property has previously had permission for a wide range of extensions and in fact is in the building stages now. Unfortunately, this new planning request is to try to build a separate out-building, add a first floor rear extension and change the garage to habitable space.

1. Site Description

The application site is located at 47 Cheyne Walk, London, NW4 3QH, consisting of a semi-detached dwelling house within Hendon ward.

The surrounding area is residential in character comprising predominantly of semi-detached and detached properties, of varying architectural form and style.

The site is not located within a conservation area and is not a listed building. There are no onsite TPO's.

2. Site History

Reference: 19/6720/PNH

Address: 47 Cheyne Walk, London, NW4 3QH
Decision: Prior Approval Required and Refused
Decision Date: 27 January 2020

Description: Single storey rear extension with a proposed depth of 8.00 metres from original rear wall, eaves height of 2.84 metres and maximum height of 3.00 metres

Reference: 20/1770/HSE

Address: 47 Cheyne Walk, London, NW4 3QH
Decision: Refused

Decision Date: 22 June 2020

Description: Single storey rear extension. Single storey front porch extension

Reference: 20/4231/HSE

Address: 47 Cheyne Walk, London, NW4 3QH
Decision: Approved subject to conditions

Decision Date: 12 November 2020

Description: Single storey rear extension. Single storey front porch extension

Reference: 23/2002/192

Address: 47 Cheyne Walk, London, NW4 3QH
Decision: Unlawful

Decision Date: 26 June 2023

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

Reference: 23/3052/192

Address: 47 Cheyne Walk, London, NW4 3QH
Decision: Lawful

Decision Date: 7 August 2023

Description: Roof extension including hip to gable, rear dormer window with flat rooflight and 4no. front facing rooflights

Reference: H/01744/09

Address: 47 Cheyne Walk, London, NW4 3QH
Decision: Refused

Decision Date: 15 July 2009

Description: 5Demolition of existing garage. Erection of a two-storey side and rear extension including guard rail to rear. Extension to roof including rear dormers to facilitate a loft conversion. New basement level. External alterations including installation of water solar collectors to roof and rainwater unit to basement patio.

3. Proposal

This application seeks planning permission for a first floor rear extension. Conversion and extension of the existing garage into habitable room, insertion of window to replace the garage door and 2no. skylights to garage roof. Erection of a rear outbuilding.

The proposed first floor rear extension measures at a maximum depth of 2.50 metres from the existing original rear wall of the first floor, a width of 3.45 metres along with an eaves height of 2.38 metres and maximum height of 3.63 metres from the first floor slab level.

The proposed ground floor rear extension to the rear of the existing converted garage would have a depth of 0.74 metres from original rear wall of the garage, width of 1.99

metres, eaves height of 2.30 metres and maximum height of 3.00 metres with a pitched roof. The proposed materials will match the existing materials of the house.

The proposed outbuilding would measure 4.16 metres in depth, 7.36 metres in width at the front and 7.07 metres in width at rear. It has an eaves and maximum height of 2.5 metres from the ground level with a flat roof.

As noted in the planning history above the property benefits extant permissions for single storey rear extension and roof extensions involving hip to gable end and rear dormer windows which are currently under construction.

4. Public Consultation

Consultation letters were sent to 7 neighbouring properties. 3 objections received.

They can be summarised as below:

- Work on this site has already started.
- Possibility to turn into a multi-occupational site
- Parking issue
- Illegal activities in the past
- Reduce number of planning applications within a 2-year period.
- Outbuilding reduces amount of green space

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 19th December 2023. 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

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 New Local Plan (Reg 24)

Barnet's Draft Local Plan - Reg 24: The Reg 22 version of the draft new Local Plan was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan underwent an Examination in Public (Reg 24). The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites.

As part of this stage (Reg 24), the Inspector in his Interim Findings and Next Steps letter of August 17th has set out how the Council can through making Main Modifications to the Local Plan address issues of legal compliance and deficiencies in soundness. These interim findings are a clear indication of what the Local Plan and the policies and site proposals within will look like at adoption, subject to making the Inspector's suggested Main Modifications. Whilst the Council moves forward to formal consultation on the Main Modifications (expected to commence in January 2024) the Interim Findings and Next Steps letter of August 17th shall be considered, in the interim, a relevant material consideration in the Council's decision making on planning applications.

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.

In order to address issues of legal compliance and deficiencies in soundness the Council has produced Main Modifications to the Local Plan (LINK). These Main Modifications were approved by Cabinet on March 12th and will now be subject to a period of formal public consultation commencing in May 2024. Whilst the Council moves forward to formal

adoption of the Local Plan (subject to the outcome of the public consultation and the Inspectors Report) the Main Modifications shall be considered, in the interim, a relevant material consideration in the Council's decision making on planning applications.

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

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 which states that all proposals should preserve and enhance the local character of the area, as well as policies CS05 (both of the Barnet Local Plan), D1, D3 and D6 (of the London Plan).

The Council's adopted SPD 'Residential Design Guidance' states that two storey rear extensions which are closer than 2 metres to a neighbouring boundary and project more

than 3 metres in depth are not normally considered acceptable. This is because they can be too bulky and dominant and have a detrimental effect on the amenities of neighbours.

First floor rear extensions need to ensure they do not lead to:

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

Policy DM01 requires that all proposals should preserve and enhance the local character of the area. This second part of this proposal relates to a rear outbuilding.

Paragraph 14.40 of Barnet's Residential Design Guidance states that back garden buildings should:

- o Not unduly over-shadow neighbouring properties
- o Not be too large or significantly reduce the size of a garden to become out of character with the area
- o Not unduly affect outlook from an adjoining property's habitable rooms or principal garden area
- o Be in harmony with the surrounding area in terms of design and materials

First floor rear extension

The proposed rear extension would not be viewable from the front of the host property. However, Barnet's Residential Design Guidance outlines that a depth of 3m is normally considered acceptable for a first-floor rear extension.

The proposal would measure approximately 2.50 metres in depth from the existing original rear wall of the first floor, a width of 3.45 metres along with an eaves height of 2.38 metres and maximum height of 3.63 metres from the first floor slab level.

The first-floor rear extension would comply with the aforementioned Design Guidance and is considered to be an acceptable addition to the original dwelling. Given the scale, mass, bulk and design of the extension, it is found that the development would not harm the character and appearance of the host dwelling or surrounding area.

As such, it is found that the established character and appearance of the existing dwelling and general locality would not be unduly detrimentally affected.

Conversion and extension of the existing garage into habitable room

The conversion of the garage and the window replacing the garage door to the front elevation will match the other windows on the front elevation, The conversion of the garage will not result in a material change of use. The proposed garage conversion is not considered to detract from the appearance of the street scene and the character of the area. There are various properties along the street which incorporate converted garages.

It is noted that there is a proposed extension to the rear of this converted garage. It has a depth of 0.74 metres from original rear wall of the garage, width of 1.99 metres, eaves height of 2.30 metres and maximum height of 3.00 metres with a pitched roof. The proposed materials will match the existing materials of the house. The minor increase in depth is not considered to detract from the character of the main dwelling house.

The conversion of the garage would not have any impact on the loss of a parking space as there are spaces available for parking on the existing front hardstanding at the application site, and accordingly the proposal would comply with policy DM17.

Proposed outbuilding

The proposed outbuilding will be located to the rear of the site and will not appear overly dominant within the application boundary. Sufficient garden space will be retained.

Following a review of aerial photography, it is noted that there are examples of small rear garden outbuildings along Cheyne Walk and in the wider surrounding area including the application site. Therefore, the proposal is to demolish and increase the footprint of the existing outbuilding which is proposed to be utilised as a gym area to be use ancillary to main dwelling house. The outbuilding is located to the rear and is not visible from the public realm. As such, it is not found that the established character and appearance of the existing dwelling and general locality would be affected.

The proposed outbuilding would measure 4.16 metres in depth, 7.36 metres in width at the front and 7.07 metres in width at rear with an eaves and maximum height of 2.50 metres with a flat roof. It has an eaves and maximum height of 2.5 metres from the ground level with a flat roof.

It is located within 2 metres of the boundary. Having considered the size of the outbuilding in relation to the main dwellinghouse, the proposal is considered acceptable in terms of scale, design and impacts on the character of the immediate vicinity of the area.

The outbuilding is proposed to be used as a family gym which is considered to be an acceptable ancillary use. A condition will be attached to ensure the use of the outbuilding shall at all times be ancillary to the main building and shall not at any time be occupied as a separate unit or dwelling.

The proposed outbuilding would benefit from solid block walls, UPVC double glazed doors and windows, with a felt roof which is noted to be a high quality design and not materially harmful on character grounds.

Overall, the proposed development is considered to have an acceptable impact on the character and appearance of the property and general locality. The outbuilding is considered to be proportionate to the size of the house and the garden. It is not considered that it would appear as a dominant feature.

- 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.

Barnet's Residential Design SPD provides clear guidance with regard to what is expected from new developments to ensure that the amenity of neighbouring occupants is not harmfully impacted. Regarding this application, the key concern is whether the proposal would result in any degree of overlooking to neighbouring sites and if overshadowing, loss of outlook and loss of light would occur as a result of the development.

No. 45 Cheyne Walk

Regarding No. 45 Cheyne Walk, it currently benefits a first-floor rear extension of similar depth. The proposed first floor extension depth will be 2.50m on this side and the rear wall of the first floor will sit 1.86 metres away from the boundary. There is no side window located on this side. Therefore, it would not have amenity impact on this property in terms of loss of light, privacy and overlooking.

No. 49 Cheyne Walk

this property does not benefit a rear extension on first floor level. However, the proposed first floor extension will be 2.50m on this side and the rear wall of the first floor will sit 3.67 metres away from the shared boundary. There is no side window located on this side and given the distance maintained from the boundary there is no amenity impact on this property in terms of overbearing impact, loss of light, privacy and overlooking. Therefore, it is compliant with policy DM01 of Barnet's Local Plan.

Impact from outbuilding

The proposed outbuilding measures 2.5 metres in eaves and maximum height. It would be located within 2 metres of the boundary of the curtilage of the house. However, due to its location at the end of the rear garden, this is considered to be located sufficiently away from the neighbouring dwelling to mitigate any appreciable harm to the amenity of this neighbouring occupier.

Given that it is at single storey level at the rear of the garden, it is not deemed to cause privacy issues or enclosure issues to the neighbouring occupiers.

The proposal is considered to have an acceptable impact on the amenities of neighbouring residents. Overall, the proposed outbuilding is considered to be proportionate to the size of the house and the garden and will have an acceptable impact on the character and appearance of the host property and general locality.

5.4 Response to Public Consultation

-Work on this site has already started - construction works relate to roof extensions and single storey rear extension.

-Possibility to turn into a multi-occupational site - This application only involves extensions to existing dwelling house and does not include a change of use to a HMO.

-Parking issue - this is addressed in the report

-Illegal activities in the past - not a material planning consideration

-Reduce number of planning applications within a 2-year period. The LPA cannot restrict the number of applications applicants submit.

-Outbuilding reduces amount of green space- Outbuilding is an adequate size and there is enough green space.

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.

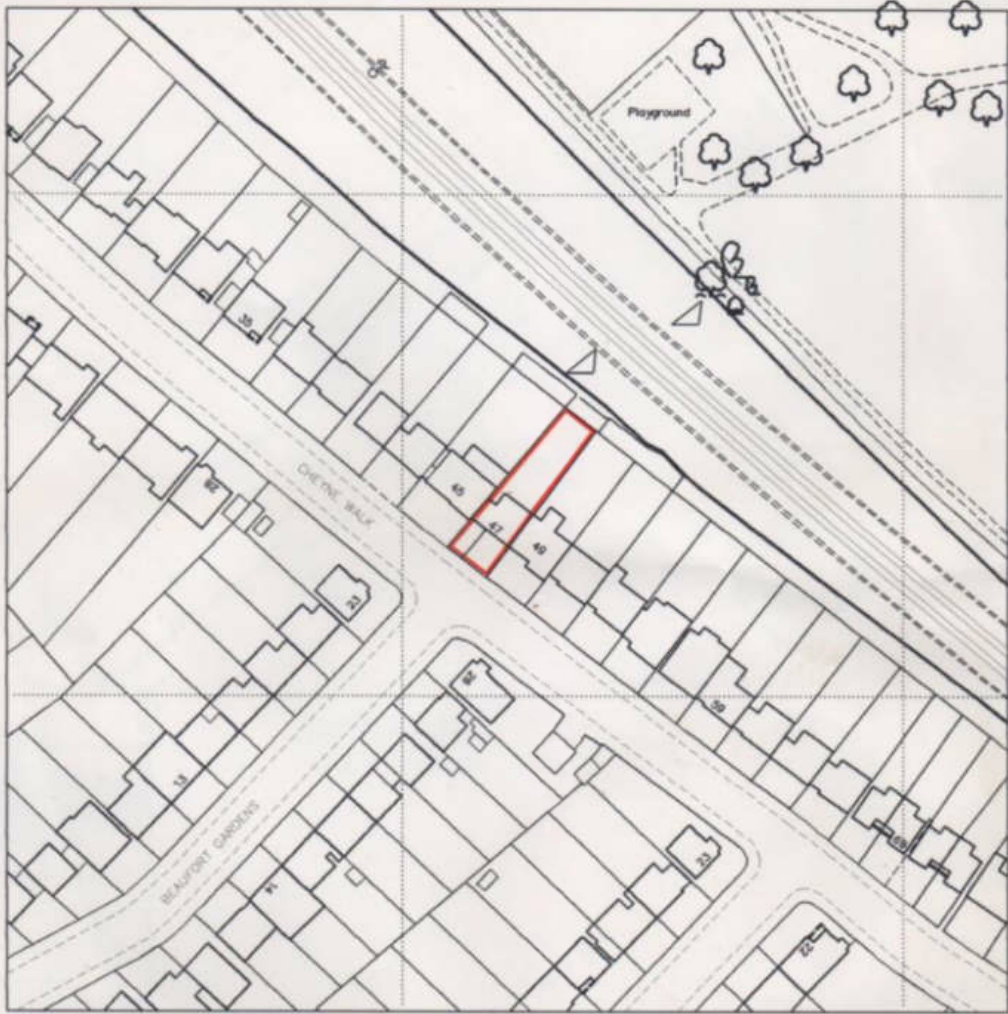
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