

# LONDON BOROUGH OF ENFIELD

## PLANNING COMMITTEE

Date :29<sup>th</sup> March 2011

**Report of**  
Assistant Director, Planning &  
Environmental Protection

**Contact Officer:**  
Aled Richards Tel: 020 8379 3857  
Andy Higham Tel: 020 8379 3848  
Ms E. Kiernan Tel: 020 8379 3830

**Ward:**  
Cockfosters

**Application Number :** TP/10/1784

**Category:** Dwellings

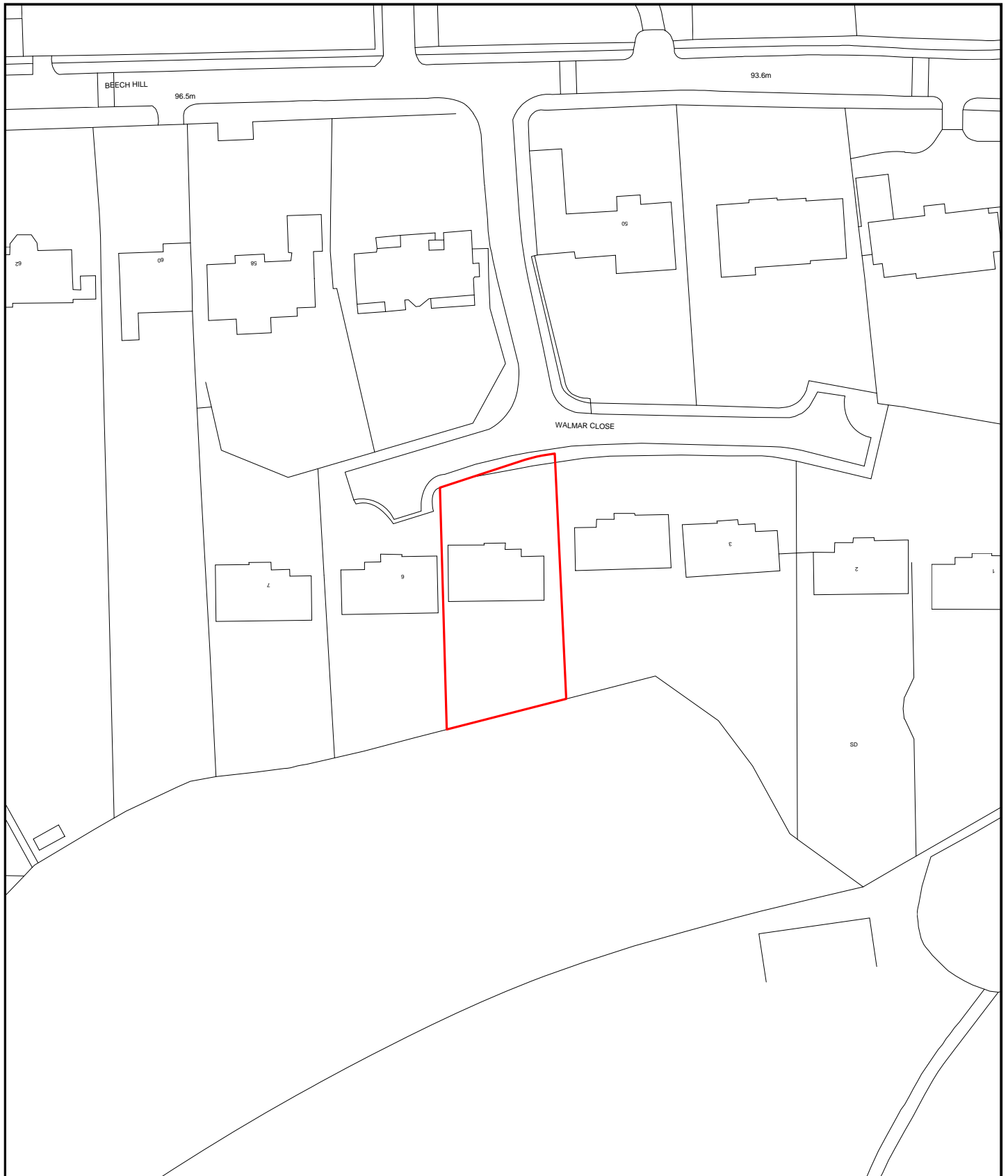
**LOCATION:** 5, WALMAR CLOSE, BARNET, EN4 0LA

**PROPOSAL:** Increase in roof height (amendment to approval granted under ref: TP/10/0264 for the erection of a detached 5-bed single family dwelling) (RETROSPECTIVE).

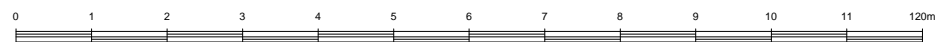
**Applicant Name & Address:**  
Mr David Clement  
5, WALMAR CLOSE,  
BARNET,  
EN4 0LA

**Agent Name & Address:**  
Scott Associates LLP  
1, Watton Road  
Knebworth  
Hertfordshire  
SG3 6AH

**RECOMMENDATION:** REFUSE



### Development Control



Scale - 1:1001  
Time of plot: 12:09

Date of plot: 15/03/2011

## **1. Site and Surroundings**

- 1.1 Walmar Close is a gated cul de sac situated on the southern side of Beech Hill. The site contains a recent constructed two storey detached dwelling.
- 1.2 The surrounding area is residential in character and the street scene predominantly features a limited number of similarly designed large detached dwellings.

## **2. Proposal**

- 2.1 Permission is sought retrospectively for the increase in the roof height of the previously approved dwelling which received planning permission under ref. TP/10/0264 for the erection of a detached 5-bed single family dwelling.
- 2.2 As approved, the dwelling house had a height of 8.8 metres to the ridge and 5.2m to eaves. However, the dwelling has been constructed with a ridge height of 9.3 metres and an eaves 5.5m. This represents a height increase of between 0.5 – 0.8 metres in excess of that approved

## **3. Relevant Planning Decisions**

- 3.1 TP/10/0264 - Demolition of existing dwelling and erection of a detached 5-bed single family dwelling with integral garage, Juliet balcony to first floor rear, front and rear dormer windows and extended hard standing and a ramp to front (PART RETROSPECTIVE) together with re-profiling of rear garden involving an increase above original (a reduction on the current level), the erection of fencing to both side boundaries and the construction of semi subterranean pool equipment building with roof level terrace adjacent to the boundary with no 6 – granted with conditions at planning committee in June 2010
- 3.2 TP/09/1606 - Demolition of existing dwelling and erection of a detached 5-bed single family dwelling with integral garage, extended hard standing and a ramp to front, 3 x rear dormers, 1 x front dormer, new patio and balustrades to existing swimming pool was refused in January 2010 for the following reasons:
  - 1 The raised ground levels to the southern section of the garden due to their siting and height would give rise to unacceptable overlooking and loss of privacy to the rear private amenity space of the occupiers at 4 and 6 Walmar Close. The proposal is therefore contrary to Policies (I) GD1, (I) GD2, (II) GD3 and (II) H8 of the Unitary Development Plan.
- 3.3 TP/08/2238 - Part single, part 2-storey, part first floor side and rear extensions, Juliet balcony to rear and extension to roof with front and rear dormer windows granted in February 2009
- 3.4 TP/08/1746 – Two storey side, single storey rear extension, front porch, first floor side extension over garage and front and rear dormer windows was granted with conditions in November 2008
- 3.5 TP/07/2093-Erection of a 2-storey side extension to east elevation, first floor side extension to west elevation, single storey rear extension, rear Juliet

balcony, rise in the height of the roof ridge, 3 rear dormer windows and a dormer window and canopy porch at front was granted with conditions December 2007.

#### **4. Consultations**

##### **4.1 Statutory and non-statutory consultees**

4.1.1 Traffic and Transportation raise no objections subject to conditions

##### **4.2 Public**

4.2.1 Consultation letters were sent to nine neighbouring properties. In addition, notice was published in the local press and displayed at the site. Three letters of objection have been received raising all or some of the following points:

- The development does not respect its surroundings and is not inkeeping with the character of the surrounding area
- Discrepancies with drawings and application form
- Insufficient set back from common boundaries-this does not contribute to the character of the street scene or allow for future maintenance
- The dwelling is too bulky and introduces substantial mass, which is inconsistent with the remainder of the street scene and creates a visual terrace of housing
- The rear of the building is set back from no. 4, which would have a significant impact on the sunlight/daylight received in the habitable rooms serving no. 4
- Issues of overlooking and overshadowing to no. 4
- Ground levels have not been addressed, contrary to Policy (II) H8 of the UDP
- The increase in height and mass does not reflect the best aspects of the character of the existing area and is not in scale with the other properties within Walmar Close, which changes the appearance of the Close

#### **5. Relevant Policy**

##### **5.1 Local Development Framework: Core Strategy**

At the meeting of the full Council on 10th November 2010, the Core Strategy of the Local Development Framework was approved. The document and the policies contained therein are now material considerations to be taken into account when considering the acceptability of development proposals. The following are of relevance

- 3A.3 Maximising the Potential of Sites
- 4B.1 Design Principles for a Compact City
- 4B.2 Design
- 4B.8 Respect Local Context and Character

##### **5.2 Unitary Development Plan**

After the adoption of the Core Strategy, a number of UDP Policies are retained as material considerations pending the emergence of new and

updated policies and development standards within the Development Management Document

(II)GD3	Design
(II) H8	Privacy
(II)H13	Residential Extensions
(II) H15	Roof Extensions

### 5.3 London Plan

- 3A.3 Maximising the Potential of Sites
- 4B.1 Design Principles for a Compact City
- 4B.2 Design
- 4B.8 Respect Local Context and Character

### 5.4 Other Relevant Considerations

- PPS1 Delivering Sustainable Development
- PPS3 Housing

## **6. Analysis**

### 6.1 Background

- 6.1.1 Following the grant of planning permission under TP/10/0264, an investigation by Planning Enforcement revealed that the development was not being constructed in accordance with the approved plans through an increase in the height of the dwelling. The increase is considered material and represents a breach of planning control.
- 6.1.2 Having assessed the increase in height (as set out in later in this section), it is considered that the increase in height is of sufficient harm to the amenities enjoyed by the occupiers of the neighbouring properties for it to be considered expedient to serve an Enforcement Notice to secure the scheme compliance with the approved development
- 6.1.3 An enforcement notice has therefore been served and currently, an appeal against this notice is being considered by the Plannign Inspectorate.
- 6.1.4 In addition, to the appeal, this application has been submitted to establish whether planning permission could be granted retrospectively for what has been built.
- 6.1.5 Therefore, the key issue to assess is the difference between the approved scheme and that constructed on site in terms of the impact on the amneities of the neighbouring occpuiers and the visual ammeities of the street scene arising from this

### 6.2 Impact on Amenities of Neighbouring Property

- 6.2.1 It is acknowledged that planning permission has been granted for the rebuilding of the existing dwelling house. In so doing, it is accepted that the resultant development (as approved) had a greater size, scale and bulk than that of the original dwelling house. A number of objections have been received regarding the acceptability of the development in its entirety but

weight must be given in this assessment of the extant permission which represents the acceptable fall back position. Nevertheless, it is contended that the dwelling as now built, exceeds the parameters of acceptability and results in an increase in the size, scale and bulk leading to an overbearing and intrusive form of development, detrimental to the residential amenities enjoyed by the occupiers of the properties at 4 and 6 Walmar Close as well as the visual appearance and character of the street scene.

- 6.2.2 In implementing the planning permission, changes in ground level have occurred. A fixed point however is the retained slab of the original dwelling house which is still evident. From this point, as approved, the dwelling house should have had a height of 8.8 metres to the ridge and 5.2m to eaves. Unfortunately, in constructing the development, the ridge has been built to a height of 9.3 metres and the eaves 5.5m above this slab level. This represents an overall height increase of at least 0.5 metres in excess of that approved.
- 6.2.3 In addition to this, it is recognised that the ground levels around the original house were at a lower level as evidenced by the levels survey submitted with the planning application (DRG NO 2920-800 A). This plan shows a difference in ground level either side of the slab of approx 0.25m. This is of relevance because the key harm arising from this breach of planning control derives from the relationship of the built development to the adjacent residential properties.
- 6.2.4 As approved therefore, the height of the dwelling house should have been 8.8 metres. This is taken from a raised ground level of 49.07 which was approved when granting the planning permission; thus increasing the height of the approved building above original ground level by 0.06m to 8.86m.
- 6.2.5 When measurements were taken on site of the height of this flank wall, a dimension of 9.7 metres was found. With reference to the plans submitted with the current scheme, the height of the dwelling above original ground level is 9.66 metres. Compared to what was approved therefore, this represents an increase of approx 0.8 metres when viewed from the neighbouring properties. Similarly, measurements taken on site of the eaves height of this flank wall were recorded at 5.9m. However, using the same consistent approach, the current plans indicate an eaves level of 5.7m from original ground level. In comparison to what was approved, this represents an increase of approximately 0.5m when viewed from neighbouring properties.
- 6.2.6 In terms of assessing the acceptability of the increased height, reference needs to be given to Policy (II) H12 and Appendix A1.8 of the saved Unitary Development Plan. With this in mind, whilst it is accepted that the siting of the dwelling relative to the neighbouring properties has not altered, the assessment of acceptability is more than just a test to comply with the 45 degree and 30 degree criteria. Factors such as size, height, scale, bulk, orientation and proximity to the boundary are all material considerations which despite compliance with the 30/45 degree criteria, can still give rise to harm to residential amenity. Taking these factors into account together with the height increase identified, it is considered that the dwelling house as built incorporates a material and significant increase in the scale and bulk of the dwelling house when viewed from these neighbouring properties causing an unacceptable sense of enclose and an overbearing impact. This impact is accentuated in this case by the gabled design of the flank walls and adds to

the dominant and discordant presence in the visual relationship to the neighbouring properties. It is considered this harms the residential amenity of the adjacent properties contrary to Policy (II)H12 of the saved Unitary Development Plan.

#### Impact on Character and Appearance of Street Scene

- 6.2.7 With regard to the impact on the visual amenities of the street scene, the applicant contends that the increase in ridge and eaves height does not alter the bulk and massing and that the height is the only issue. Furthermore, the increase by 0.55m higher than approved is marginal and as there is a variation in ridge and eaves heights as well as ground levels in Walmar Close, the dwelling is in keeping and reflects the best aspects of the character of the existing area. Moreover, the applicant considers that the additional bulk is minimal and not easily seen due to the proximity of it to the adjacent dwellings.
- 6.2.8 Policy (II) GD3 of the Unitary Development Plan seeks to achieve a high standard of design in all new developments by ensuring that they reflect the best aspects of the character of the existing area. This is achieved by ensuring that there is a general compatibility with the adjoining properties and the local area in regards to factors such as the new building's siting, layout, alignment, spacing, height, bulk, massing and site coverage. Policy CP30 of the Core Strategy requires that all developments and interventions in the public realm must be high quality and design led, having special regard to their context.
- 6.2.9 Additionally, both PPS1 and PPS3 indicate that high quality design should be integrated into the urban form and be well integrated with, and complement the neighbouring buildings and local area.
- 6.2.10 Walmar Close is a gated cul de sac situated on the southern side of Beech Hill. The surrounding area is residential in character and the street scene features a limited number of similarly designed large detached dwellings. The dwellings feature a simple pitched roofline and the ridge height is consistent with the exception of no's 2 and 5 Walmar Close, which both have planning permission to increase the ridge height to 8.8m: the permission at 2 Walmar Close has not currently been implemented.
- 6.2.11 It is acknowledged that the character and appearance of Walmar Close is defined by the detached nature and the variation in ridge heights, largely in response to the prevailing ground level. The dwellings at Walmar Close all feature a ridge height of approximately 8 metres with a simple pitched roof design. It is acknowledged that there are minor alterations in ground level between dwellings; however it is contended that this is not sufficient to justify the 0.8m increase in ridge height at no.5 Walmar Close, which is notably higher than both the immediate neighbours and other dwellings within Walmar Close. Additionally, the planning permission granted at no.2 Walmar Close was for a ridge height in line with that at no. 5 Walmar Close.
- 6.2.12 The visual impact of the development is accentuated as No. 5 Walmar Close as the dwelling is almost immediately opposite the junction when approaching via the gated entrance, and therefore is considered to be highly prominent within the street scene and particularly visible when approaching from the gated access road. Given the scale and appearance of the surrounding

dwellings, it is considered that the increased height, bulk and massing to the roof results in an excessively large and discordant form of development out of character and scale with the street scene and detrimental to the visual amenities of the street scene and the appearance of the locality. Moreover, although it is acknowledged that No 5 is viewed in the context of other properties along Walmar Close, the proximity of the neighbouring dwellings is not sufficient to offset the harm arising from the increased size, scale and bulk of the dwelling as built. Consequently, it is considered that the building appears intrusive and dominant when viewed in the street scene from either property, which is contrary to Policy (II) GD3 of the Unitary Development Plan and Policy CP30 of the Core Strategy.

## **7. Conclusion**

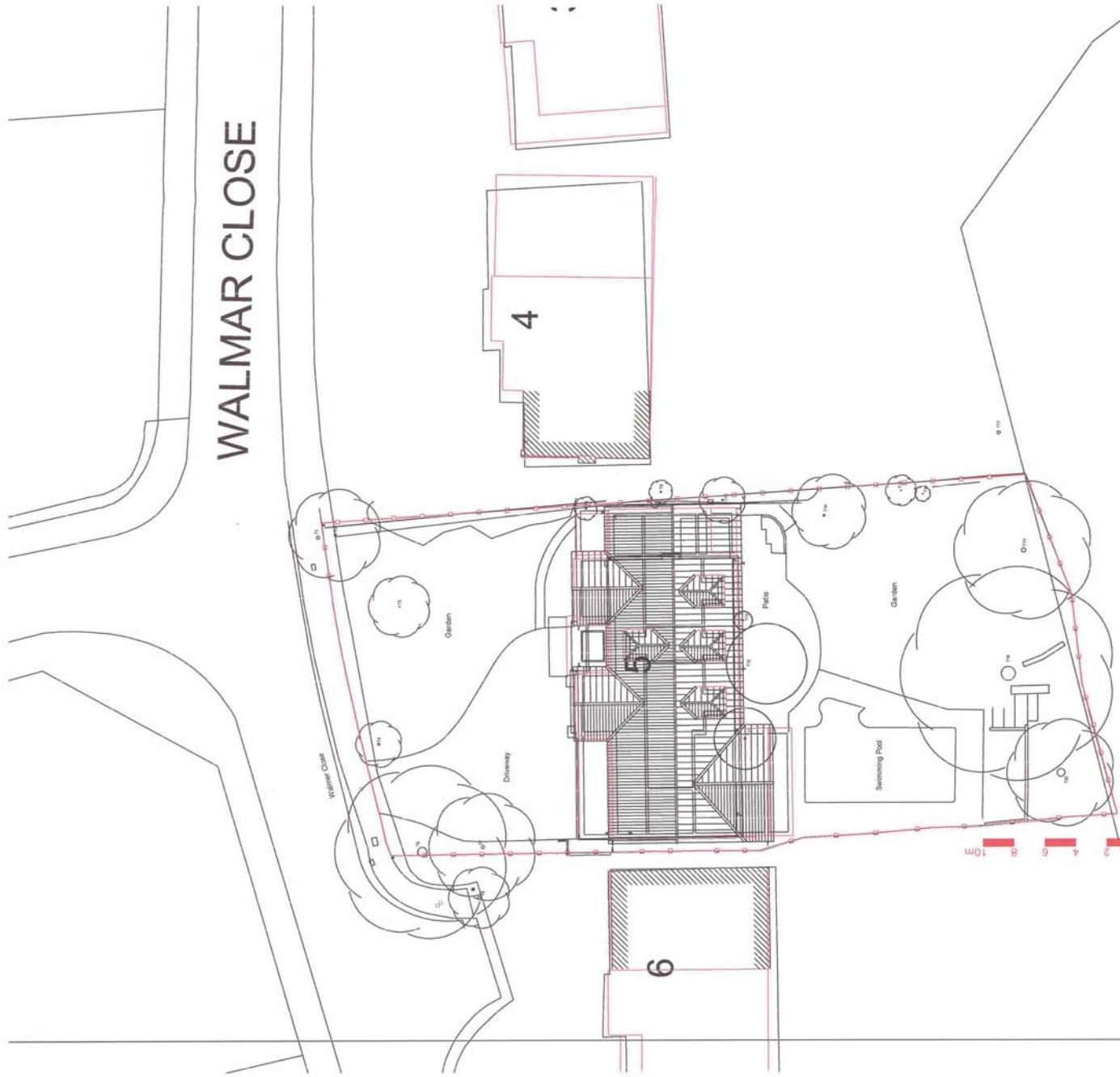
- 7.1 Having regard to the above considerations, it is considered the proposal is unacceptable and the increased height of the roof (ridge and eaves) levels results in an excessively large and discordant form of development, which is out of keeping and detrimental to the visual amenities of the street scene and amenities of occupiers at no's 4 and 6 Walmar Close, contrary to policies (II) GD3 and (II) H15 of the Unitary Development Plan and CP30 of the Core Strategy.

## **8. Recommendation**

- 8.1 That planning permission be **refused** for the following reasons:
- (I) The increased height of the roof with reference to the as built ridge and eaves levels results in an excessively large and discordant form of development out of scale and detrimental to the visual amenities of the street scene and the appearance of the locality and due to the additional bulk and mass of the resulting development, gives rise to a greater sense of enclosure and overbearing impact, detrimental to the amenities of the occupiers of the neighbouring properties, No 4 and 6 Walmar Close. This is contrary to Policies CP30 of the Adopted Core Strategy and (II) GD3 of the Unitary Development Plan.



TP/10/1784



The contractor should check all dimensions on site. No dimensions are to be scaled from the drawing. It is the contractor's responsibility to ensure that all works are in accordance with the current requirements of statutory regulations: Building Regulations, British Standards etc. IF IN DOUBT ASK!

**Site Plan**  
Scale: 1:200



**Site Location Plan**

Scale: 1:1000  
NOTE: The Ordnance Survey plan data upon which this drawing is based is not an accurate representation of location or alignments of the adjoining properties. These have been re-surveyed and are indicated by the red line profiles.

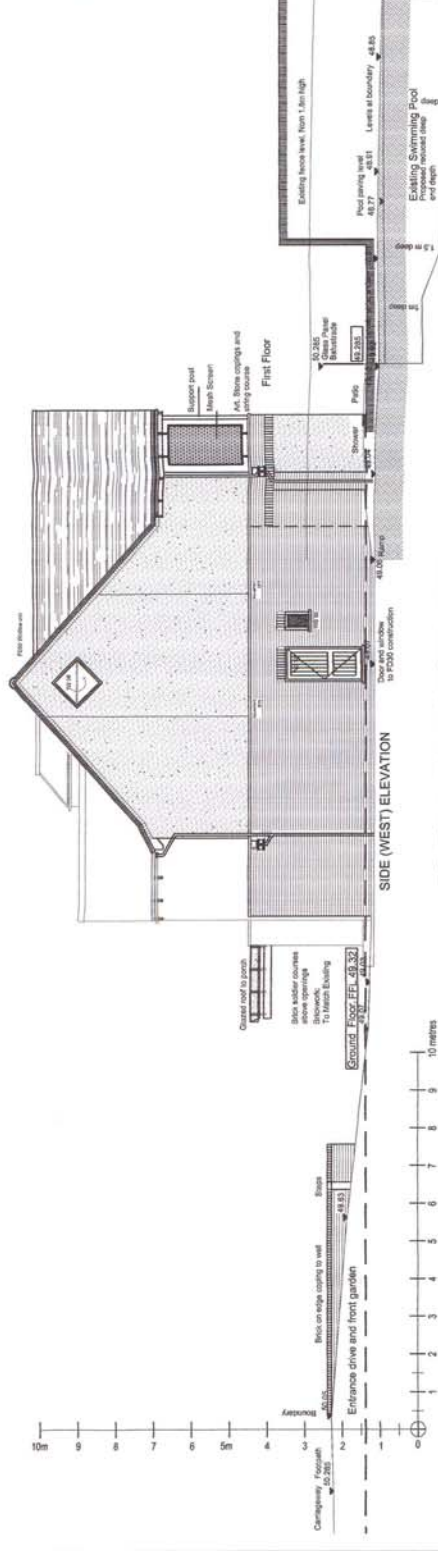
Rev A : Dec 10 : Checked and issued for Planning Application

Client <b>Mr. + Mrs. David Clement</b>	Date <b>5 Walmar Close Hatley Wood</b>	Drawn by <b>2920-900 A</b>	Date <b>Oct 09</b>
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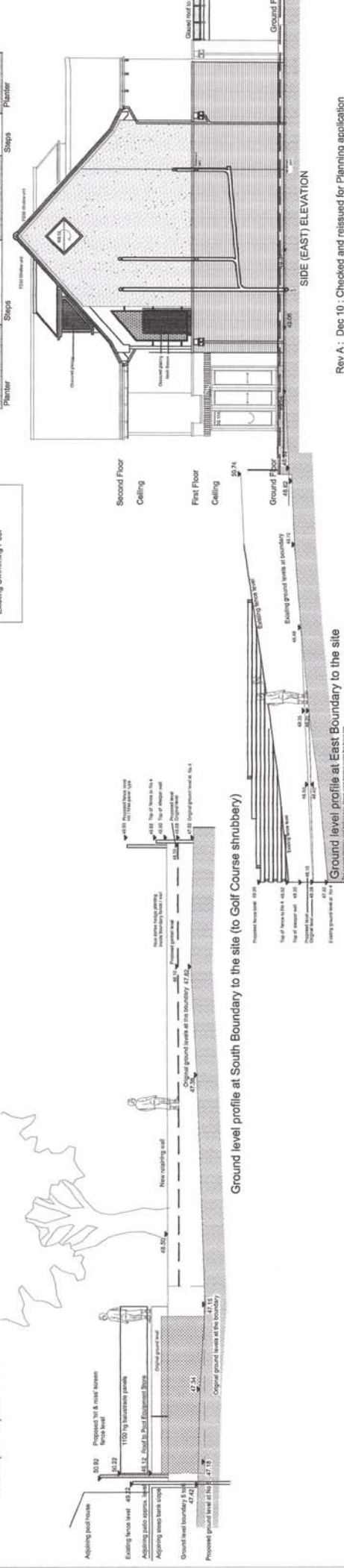
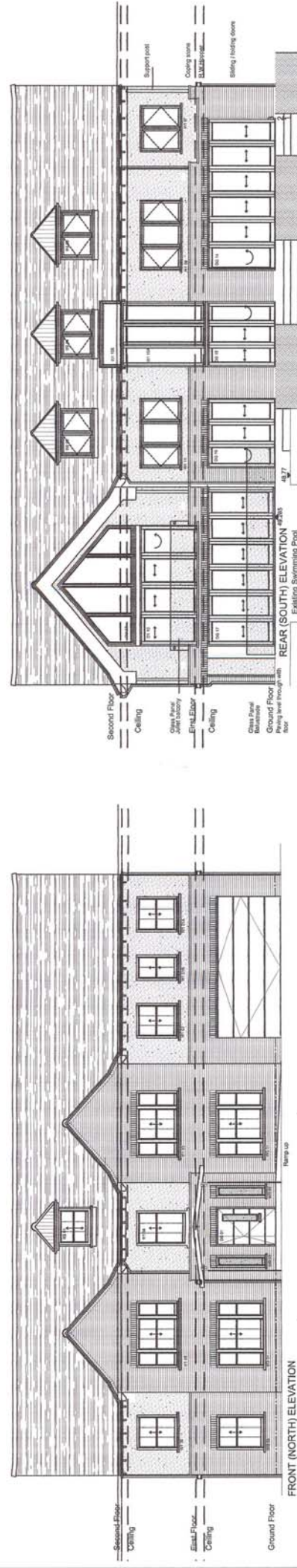


TP/10/1784

**Schedule of external finishes:**  
 Roof and ridge tiles : handmade multi plain tiles  
 Gutters and down pipes in proprietary zinc system  
 Brickwork : red / brown multi stocks as approved  
 Chills to be two bonded courses of creasing tiles  
 Windows : Microporous finish European oak from sustainable sources  
 Glass to be solar tinted double glazed and fitted with integral venetian blinds and obscured glass where noted  
 Hatch patterns are indicative of materials only and do not show brick courses or render texture and paving sizes



**KEY ELEVATIONS to PROPOSED HOUSE and SITE**



Rev A : Dec 10 ; Checked and reissued for Planning application

Proposed New Dwelling  
 Key Elevations Sheet 4 of 4

Mr. + Mrs. David Clement  
 5 Walmar Close Hadley Wood

Scott Associates  
 1 Watton Road Knebworth  
 Hertfordshire SG3 6AH  
 Tel: 01438 234010  
 Fax: 01438 234321

Oct 10  
 Date  
 2920-2550  
 Drawing No.  
 A  
 1:100  
 Scale

The contractor should check all dimensions on site. No dimensions are to be taken from this drawing. All works are in compliance with the current requirements of statutory regulations: Building Regulations, British Standards etc. IF IN DOUBT ASK!

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