

LOCATION: 124 Sunny Gardens Road, London, NW4 1RY

REFERENCE: H/03788/13

Received: 22 August 2013

Accepted: 12 September 2013

WARD(S): Hendon

Expiry: 07 November 2013

Final Revisions:

APPLICANT: Mr Gurvitz

PROPOSAL: Variation of condition 3 (Window restrictions) pursuant to planning permission W00037H/06 dated 06/12/06 for "Part single, part two-storey rear extension. Two-storey side extension. Single storey front porch. Loft conversion including side and rear dormer windows. Changes to fenestration." Variations include opening the window at any time.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Proposed First Floor Plan, Proposed Front and Side Elevations.

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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be placed at any time in the flank elevations facing nos 122 Sunny Gardens Road, or 3 Meadow Drive NW4 without the prior permission of the Local Planning Authority.

Reason

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

- 3 Before the building hereby permitted is occupied the proposed window(s) in the first floor flank elevation facing nos 122 Sunny Gardens Road, or 3 Meadow Drive NW4 shall be glazed with obscure glass only and shall be permanently retained as such thereafter.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

INFORMATIVE(S):

- 1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

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 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. 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 London Plan is recognised in the NPPF as part of the development plan.

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."

NPPF retains 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 July 2011:

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 2031. It forms part of the development plan for Greater London.

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.

Relevant Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11th September 2012

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.

Relevant Development Management DPD (2012): Policies DM01, DM02.

Supplementary Planning Documents and Guidance

Supplementary Planning Document - Residential Design Guidance

Relevant Planning History:

Application: Planning
Validated: 09/10/2006
Status: DEC
Summary: APC
Number: W/00037/H/06
Type: APF
Date: 11/12/2006
Case Officer:
Description: Part single, part two-storey rear extension. Two-storey side extension. Single storey front porch. Loft conversion including side and rear dormer windows. Changes to fenestration.

Application: Planning
Validated: 12/09/2007
Status: DEC
Summary: LW
Number: W/00037/J/07
Type: 192
Date: 06/11/2007
Case Officer:
Description: Insertion of rooflights to front roofslope.

Consultations and Views Expressed:

Neighbours Consulted: 14 Replies: 6
Neighbours Wishing To Speak 2

One letter of support and five letters of objection were received in respect on this application. The objections raised may be summarised as follows:

- Overlooking to bedroom windows
- Loss of privacy - can see silhouettes of people in the bathroom and they can see into neighbouring bedroom windows. It means neighbours will constantly have to draw their bedroom curtains
- Street tree which obscured view is dying and likely to be removed
- At previous committee meeting was agreed windows would be obscurely glazed and non opening to protect privacy of neighbouring properties in Meadow Drive
- Planning permission was previously granted with specific understanding no further alterations to planning permission would be requested
- Council previously taken enforcement action regarding fully opening windows and the windows have been changed again
- Applicant should have applied for retrospective planning permission and paid the higher fee

Internal /Other Consultations:

N/A

Date of Site Notice:

N/A

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site relates to a single family dwelling located on the east side of Sunny Gardens Road at the junction with Meadow Drive, which is predominantly residential in character.

Proposal:

The application seeks permission for the variation of condition 3 (window restrictions) pursuant to planning permission W00037H/06 dated 06/12/2006 for "Part single, part two-storey rear extension, two-storey side extension, single storey front porch, loft conversion include side and rear dormer windows and changes to the fenestration." The variation is to include opening of the obscure glazed windows from partial opening to full opening.

Planning Considerations:

The main issue in this case are considered to be covered under two main areas:

- The living conditions of neighbouring residents.

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 of the Development Management Policies (Adopted) 2012 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 that development makes a positive contribution to the borough. The development standards set out in Policy DM02: Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

The Council's SPD 'Residential Design Guidance' states that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant.

The Council's Design Guidance Note 5 on Extensions to Houses advises that 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.

The application site is a corner property and the existing first floor side extension is located on the side return facing onto Meadow Drive. It is proposed that the windows on the first floor side elevation will remain obscurely glazed but will be fully opening to allow better ventilation to the rooms which they serve, namely bathrooms and a utility room. The neighbouring properties on Meadow Drive are located approximately 25 metres away from the first floor side extension at the application site and this far exceeds the minimum distance of 21 metres required by Council policy between facing habitable room windows to prevent overlooking. Furthermore, given the windows on the first floor side elevation serve bathroom and utility rooms windows and the fact that the glazing in these windows will remain obscurely glazed it is not considered that the proposal will give rise to overlooking or loss of privacy to the occupiers of the neighbouring residential properties. Given all of the above the variation of condition is considered acceptable in planning terms and accordingly is recommended for approval.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Mostly addressed in the above report.

Previous enforcement complaints related to roof lights on the flank elevation.

An informative as added to the previously approved scheme to say any further extensions to the property are unlikely to be considered favourably. The proposal does not involve the extension of the property, rather a variation to create a fair and reasonable condition in accordance with Circular 11/95.

As the applicant wants to vary the condition but the windows will remain obscurely glazed he has applied for the correct application.

4. EQUALITIES AND DIVERSITY ISSUES

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for **APPROVAL**.

SITE LOCATION PLAN: 124 Sunny Gardens Road, London, NW4 1RY

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