

Location **43 Oakleigh Park South, London, N20 9JR**

Reference: **B/05020/14** Received: 15.09.2014
Accepted: 3rd October 2014

Ward: Oakleigh Expiry 28th November 2014

Applicant: ;Dr Fard

Proposal: Retention of a recently constructed outbuilding following demolition of existing garage.

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No NA.01 Rev A.

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 The use of the outbuilding hereby permitted shall at all times be ancillary to and occupied 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).

- 3 Before the building hereby permitted is first occupied the window in the flank elevation facing No. 41 Oakleigh Park South 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 April 2013).

- 4 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 those expressly authorised by this permission, shall be placed at any time in the side elevation facing No.41 Oakleigh Park South without the prior specific permission of the Local Planning Authority.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties.

- 5 Before the building hereby permitted is first occupied the window in the rear elevation at first floor level 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 April 2013).

Informative(s):

- 1 In accordance with paragraphs 186 and 187 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

1. Site Description

This application relates to an existing detached outbuilding, located to the south of the application dwelling at No. 43 Oakleigh Park South and away from this property, and directly adjacent to the neighbouring dwelling at No. 41 Oakleigh Park South. The application dwelling is a Locally Listed Building.

2. Site History

Reference: B/01398/12

Address: 43 Oakleigh Park South, London, N20 9JR

Decision: Approved subject to conditions

Decision Date: 22 June 2012

Description: Extension to existing garage to provide additional car parking space and gym. New retaining wall and associated changes to levels.

Reference: B/03612/11

Address: 43 Oakleigh Park South, London, N20 9JR

Decision: Approved subject to conditions

Decision Date: 6 February 2012

Description: Extension to existing garage to provide additional car parking space and gym.

3. Proposal

This application proposes the retention of the existing detached outbuilding. The outbuilding measures 6.9 metres in width, 12 metres in depth, and have a pitched roof 5.9 metres high. The outbuilding is located to the front and side of the main dwellinghouse, it is set back approximately 10 metres from the main road and adjoins the common boundary with No. 41 Oakleigh Park South. The outbuilding has a first floor element to be used for storage purposes and contains 3 rooflights that sit flush with the roofslope to the side elevation facing the main dwellinghouse at No. 43.

4. Public Consultation

13 consultation letters were sent to neighbouring properties.

11 responses have been received, comprising 13 letters of objection, 2 neighbours wishing to speak and 1 letter of support.

The objections received can be summarised as follows:

- The building is out of character with the area.
- The proposal will detract from the character of the listed building.
- It will have an adverse effect on the green character.
- The plans do not show future landscaping.
- It will impact on parking in the area.
- The application would set a precedent.
- The building will have the appearance of a small house.
- The position of the building close to the road is out of character.

- Noise and disturbance from the use of the building.
- The construction has affected neighbouring foundations.
- The building has resulted in overdevelopment.
- Neighbouring fence was removed without consent.
- The application needs full planning permission for change of use.
- It would not satisfy building control regulation.
- The owners ignored the party wall act.
- Loss of parking.
- The plans show the building to be a metre from the boundary with No. 41.
- No first floor plan has been submitted.

The representations of support can be summarised as follows:

- The building would be aesthetically better than the old garage.

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 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 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.

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 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.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

- 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 April 2013)

- 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

This application has been submitted following a previous planning application approved under application B/01398/12, dated 22/06/2012. The changes between the previous applications and the current scheme are as follows:

- Alterations to the internal elements including a shower, a bike store and study area replacing the garage area and the roof space of the outbuilding is to be used as a storage area.
- The insertion of 3 No. side elevation rooflights.
- Alterations to the front elevation fenestration including the insertion of a window in the roof and a single garage door replacing a double garage door.
- Alterations to the rear elevation fenestration including the insertion of a window in the roof.
- The implementation of a 2 metre high boundary fence, replacing the previously proposed 1.8 metre fence.

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 only external alterations from the previously approved scheme include changes to the front and rear fenestrations and the insertion of 3 No. rooflights. Given that the dimensions of the proposed outbuilding would be no different to the dimensions of the outbuilding previously approved under application reference B/01398/12, dated 22/06/2012, and that the design and detailing of the building would still retain the external appearance of a garage. Given that the rooflights would face towards the main dwellinghouse at No. 43, it is considered that they would not result in overlooking to any neighbouring occupier. The first floor is to be used as storage and a use that is ancillary to enjoyment of the main dwellinghouse. It is considered that the proposals would have an acceptable impact on the character and appearance of the streetscene, site property, general locality and the residential amenity of neighbouring occupiers.

The proposal should also be conditioned to remain as an outbuilding ancillary to the enjoyment of the dwellinghouse and shall not be used at any point as a separate unit.

5.4 Response to Public Consultation

Mainly addressed in appraisal above.

The application would not increase the amount of units on the site and is therefore not considered that the application would increase parking stress in the area or result in a significant increase in noise and disturbance than what would normally be considered acceptable.

Each planning application is assessed on its individual planning merits.

The building is proposed to be used as ancillary to the enjoyment of the main dwellinghouse and is being assessed as such.

First floor plan subsequently submitted and consulted on.
The plans are only required to show the location of the building in relation to its own site boundary.
The rear window in the first floor would be conditioned to be obscure glazed and non-opening.
The plans have been amended to accurately reflect the window in the side elevation facing No. 41 Oakleigh Park South.
The removal of vegetation does not form part of this application.
Other comments of objections are not material planning considerations.

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.

