

Location **16 and 18 Oakfields Road, London NW11 0HY**

Reference: **16/1994/S73** Received: 29th March 2016
Accepted: 29th March 2016

Ward: Golders Green Expiry 24th May 2016

Applicant: Mr LOU ROKACH

Proposal: Removal of condition 21 (Occupancy of number 18) and variation of condition 1 (Plans) and condition 7 (Windows) pursuant to planning permission F/04764/13 dated 11/12/2013 for "Erection of a two-storey detached dwelling house with rooms in roof space and basement level following demolition of existing dwelling to No. 18 Oakfields Road. Part single, part two-storey rear extension, 2xno. roof lights to No. 16 Oakfields Road". Variation to include installation of an obscure glazed balustrade to roof of ground floor rear projection facing No. 20 Oakfields Road and windows in side facing dormer windows to be obscure with a limited opening restricted to 100mm

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement, Compliance Report, Technical Specifications, Sustainability Checklist, Drawing Nos. PL(90)100, PL(02)300 Rev P1; PL(03)101, PL(03)104, PL(05)101 P3, PL(03)102 Rev P1, PL(03)100, PL(03)103, PL(03)200, PL(03)201, PL(03)202, PL(05)100, PL(05) 101 Rev P2, PL(05)102, PL(05)103 Rev P4, PL(05)104, PL(05)200 and PL(05)201 Rev P2.

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 The roof of the flat roof elements of the building 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 Adopted Barnet Development Management Policies DPD (2012).

- 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) the building at 18 Oakfields Road hereby permitted shall not be extended in any manner whatsoever.

Reason:

To ensure the development does not prejudice the character of the locality and the enjoyment by existing and/or neighbouring occupiers of their properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

- 4 All new windows in the side elevations facing 16 and 20 Oakfields Road shall be glazed with obscure glass only and should be permanently retained as such thereafter and shall only have a restricted opening of a maximum of 100mm.

Reason:

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

- 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, other than those expressly authorised by this permission, shall be placed at any time in the flank elevation of No 18 Oakfields Road facing the neighbouring properties.

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).

- 6 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 flank elevation facing No. 18 Oakfields Road.

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).

- 7 The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme) and achieve full Lifetime Homes credits. No dwelling shall be occupied until evidence that the Lifetime Homes credits have been achieved and a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and policies 5.2 and 5.3 of the London Plan (2011).

- 8 All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any

part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 9 Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 10 The use of the basement hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building known as Number 18 Oakfields Road and shall not at any time be occupied as a separate unit or for any other purpose not incidental to the main use of the dwelling.

Reason:

To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties.

- 11 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Adopted Barnet Development Management Policies DPD (2012).

- 12 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason:

To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

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

Following discussion of the item, this application was deferred at the last meeting of 15th June 2016 Finchley and Golders Green Area Planning Committee in order to request the applicant to submit an amended site plan showing the correct curtilage of the application site. It was further agreed that members would visit the site from no 20 Oakfields Road before reaching a decision.

The correct site plan has been submitted and neighbours have been re-consulted. It should be noted no further representations have been received from neighbours as a result of this re-consultation.

A site visit would be arranged for the members before the next meeting.

1. Site Description

The application relates to two storey detached dwelling houses located on the eastern side of Oakfields. The application site No. 18 has been considerably completed implement in the previous planning permission as below. The area is characterised by a mixture of detached and semi-detached residential dwellings, a number of which have been previously extended.

The site does not fall within a conservation area.

2. Site History

Reference: 16/2143/NMA

Address: Site Of 18, Oakfields Road, London, NW11 0HY

Decision: Approved

Decision Date: 19 April 2016

Description: Non-material minor amendments to planning permission reference F/04764/13 dated 11/12/13 for `Erection of a two-storey detached dwelling house with rooms in roof space and basement level following demolition of existing dwelling to No. 18 Oakfields Road. Part single, part two-storey rear extension, 2xno. roof lights to No. 16 Oakfields Road` Amendments to include alteration to rear elevation fenestration including addition of juliette balcony to first floor level of No. 18 Oakfields Road

Reference: F/04764/13

Decision Date 11 December 2013

Decision: Approved subject to conditions

Proposal: Erection of a two-storey detached dwelling house with rooms in roof space and basement level following demolition of existing dwelling to No. 18 Oakfields Road. Part single, part two-storey rear extension, 2xno. roof lights to No. 16 Oakfields Road

3. Proposal

Removal of condition 21 (Occupancy of number 18) and variation of condition 1 (Plans) and condition 7 (Windows) pursuant to planning permission F/04764/13 dated 11/12/2013 for "Erection of a two-storey detached dwelling house with rooms in roof space and basement level following demolition of existing dwelling to No. 18 Oakfields Road. Part

single, part two-storey rear extension, 2xno. roof lights to No. 16 Oakfields Road". Variation to include installation of an obscure glazed balustrade to roof of ground floor rear projection facing No. 20 Oakfields Road and windows in side facing dormer windows to be obscure with a limited opening restricted to 100mm

4. Public Consultation

Consultation letters were sent to 27 neighbouring properties.
5 responses have been received, comprising 5 letters of objection

The objections received can be summarised as follows:

- balustrade will result in roof being used as a terrace and cause overlooking and loss of privacy
- concerns that original conditions were not complied with
- site location plan is wrong
- concerns raised in regards to height of property

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 2016

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 development as set out in Policy DM01 is to minimise the 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

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

The application is a material amendment to the planning application reference F/04764/13. Please see the report from this application for a detailed discussion of the issues relating to this development.

The proposal seeks consent for the following works:

- addition of a glazed balustrade to roof of ground floor rear projection facing No. 20 Oakfields Ave
- windows in side facing dormer windows to be obscure with a limited opening restricted at 10cm

The above changes are to increase privacy for both the occupiers of 18 Oakfields Road and the neighbouring occupiers at 20 Oakfields Road; the privacy screen is to limit views to and from the single storey rear extension at No. 20 which has clear glass windows on both side elevations facing directly onto the extension at the application site. Although inaccessible due to the recent installation of Juliette balconies, the balustrade is considered essential in mitigating any potential overlooking and loss of privacy. The obscure glazed dormer windows are proposed to further protect privacy for both occupiers; without the obscure glazing and limited opening there would be a clear line of sight into both the application site from No. 20 and vice versa.

The application also seeks to remove condition No 21 which was worded as follows: Before the proposed dwelling at Number 18 Oakfields Road is occupied the extension at Number 16 Oakfields Road shall be fully completed.

Reason:

To ensure that the proposed dwelling at 18 Oakfields Road does not affect the residential amenities of the neighbouring property No. 16 Oakfields Road in accordance with Policy DM01 Protecting Barnet's character and amenity of the adopted Development Management Policies DPD (2012).

The extensions at No 16 have not started and the building and occupancy at No 18 have been completed, given that the situation already exists and no harm has been created by the breach of this condition, there is no objection to the removal of condition No. 21 in this instance.

5.4 Response to Public Consultation

Addressed in report.

The LPA is satisfied that the site location plan submitted is correct.

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

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.

