

Location 8B Accommodation Road London NW11 8ED

Reference: 16/5860/FUL Received: 8th September 2016

Accepted: 29th September 2016

Ward: Childs Hill Expiry 24th November 2016

Applicant: Mr Majid

Proposal: Retention of 2no. rooflights located at rear of property and additional 2no. proposed rooflights to the front

Recommendation: Approve subject to conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, drawing number:

815/AR/01(REV A) and 815/AR/02 (REV A) (received 16/12/2016)

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 Notwithstanding the details shown on the hereby approved drawings, the PROPOSED rooflight(s) hereby approved shall be of a "conservation" type (with central, vertical glazing bar), set flush in the roof. The rooflights shall be obscure glazed and fitted with a restricted stay of no more than 100mm.

Reason: To safeguard the character and appearance of the Conservation Area in accordance with policy DM06 of the Development Management Policies DPD (adopted September 2012).

4 The units hereby granted permission shall be removed, within two months of the date of failure to meet any one of the requirements set out in (i) to (ii) below:-

i) within two months of the date of this decision the rear rooflight windows facing Woodstock Road shall be obscure glazed and fitted with a 100mm restricted stay to the satisfaction of the Local Planning Authority.

ii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

Reason: To ensure that there is not overlooking to neighbouring residents.

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

The application site is located on the southern side of Accommodation road, within Golders Green Town Centre conservation area.

The property is located on Accommodation road which is an access/service road. The application site is A1 office use. Accommodation Road currently consists of a row of terraced offices and some residential buildings.

The rear rooflights are already in place and this follows investigation by the enforcement team. Rooflight are a common feature on this stretch of road to the front and rear of the building.

This building is not statutory listed or not locally listed.

2. Site History

Reference: C02199H

Address: 8B Accommodation Road London NW11

Decision: AC - Approved subject to conditions

Decision Date: 10 May 1999

Description: Change of use of building from educational to office purposes to Class B1 - financial and professional services (accountancy offices).

No.7 Accommodation Road

F/03540/12 - Retention of roof extension as built (variation of approved application Ref: F/01580/10 dated: 22/06/2010) Variation to include: reduction in rear rooflights and parapet alterations to facilitate construction. - Approved - 05.12.2012 - Appeal against condition requiring rooflights to be fixed shut with fanlight opening dismissed.

3. Proposal

The application seeks approval to retain 2 Velux rooflights located at rear of building and additional 2 new proposed Velux rooflights to the front.

The rooflights will measure 0.47m width and 0.9m in height.

The existing rooflights to the rear are located 1.75m to the frame above floor level.

No change of use is proposed

4. Public Consultation

Consultation letters were sent to 155 neighbouring properties.

12 responses were received during the public consultation period.

- Overdevelopment

- Change of character
- Overlooking
- set precedent
- Pressure on environment, water, cleaning and waste collection
- Additional residential
- blocked light
- Wall boundary
- Children being possibly watched
- Loss of privacy
- Illegally built
- Contrary to policy

Site and Press Notices advertising the proposals were put up on 04.10.2016.

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 2015

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, DM06.

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.

- 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.

- Golders Green Conservation Area Character Appraisal Statement

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 Golders Green Conservation area of which it forms a part;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

1. Whether harm would be caused to the character and appearance of the existing building, the street scene and the conservation area.

The Golders Green Town Centre Conservation area appraisal states

"The urban character of Finchley Road and the crossroads contrasts dramatically with the

quieter, intimate feel of the rear service roads, Accommodation Road and Golders Way."

While it is accepted the building is not residential, it is still considered the residential design guidance can provide guidance on potential issues. The Residential design guidance 2016 states:

"Roof lights should be carefully positioned in order not to impact detrimentally or disfigure the appearance of a building, particularly where they are not a characteristic feature in the street. On front roof slopes roof lights should be of the "conservation type" i.e. fitting flush with the roof slope and they should not dominate the roof in terms of their number. It is preferable to position them on rear roof slopes."

The existing and proposed rooflights do not significantly change the character of the existing building as there are already glass roof panels which exist on the host building and the building to both sides of the host property and rooflights are a common feature in the rear elevation of Accommodation Road. As such the introduction of further rooflights is not considered to be out of character.

Due to the position the proposed rooflights are not immediately visible on street level.

Policy DM06 requires development proposal to preserve or enhance the character and appearance of conservation areas. In this instance it is considered the rooflights preserve the conservation area.

Subsequent to the above, it is not considered the proposed and existing windows will result in any unacceptable impact on the character and appearance of the existing building when viewed from outside of the subject land.

The proposals involve the insertion of rooflights to the front of the property and retention of those on the rear roof. The roof has an existing glazed structure that appears to be lawful as it has been present for considerable period of time. Although the rooflights are not conservation area style rooflights, the visual impact is considered to be limited and preserves the character and appearance of the conservation area taking this into consideration. It is not considered that they harm the significance of the conservation area as a designated heritage asset.

The proposed development is not considered to result in significant detriment of the character and appearance of the existing building, the street scene or the Conservation area.

2. Whether harm would be caused to the living conditions of neighbouring residents.

The rear roof of Accommodation Road forms part of the rear garden wall of the residential properties on Woodstock Road.

As a guide (although not strictly applicable to office uses), The Town and Country Planning (General Permitted Development) (England) Order 2015 states rooflights

should be: *"non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed"*
The existing rooflights measure 1.75metres from the floor level to the frame and the proposed rooflights to the front propose 1.8 metres above the floor level.

It is recognised that an application for removal of condition restricting the opening of rooflights at no.7 Accommodation Road was refused. This also related to works to extend the roof of this property. A condition was attached to ensure windows were not openable other than a fanlight opening and the inspector dismissed an appeal removing this condition.

In the appeal decision at no.7 the inspector noted that *'The second floor offices are within the roof and the rooflights are at a height where they could afford views into the houses and gardens of properties to the rear from workers sitting or standing in the room.'*

However after officers visited the site, it is clear to see the windows at 7 Accommodation Road are at significant lower height than the site. At the site property the windows are at a higher level above the 1.7m from floor level generally considered adequate to prevent overlooking. However a condition requiring the obscure glazing of the rooflights has been attached taking into account the inspector's comments at no.7 and the fact there is considered be potential for perception of overlooking to arise given the relationship between the rooflights and neighbouring gardens.

It is therefore considered that the proposals would not result to the living conditions of neighbouring occupiers.

5.4 Response to Public Consultation

- Overdevelopment - *The addition of rooflights would add minimal built development to the site*
- Change of character - *The impact on the character and appearance of the conservation area would be minimal*
- Overlooking - *The height is above what is stipulated to be reasonable*
- set precedent *All planning applications are addressed on their own merits*
- Pressure on environment, water, cleaning and waste collection *The proposed rooflights are unlikely to cause any additional impacts on local infrastructure*
- Additional residential - *The proposals seek to retain office use*
- blocked light *The rooflights would have negligible impact on the bulk of the building*
- Wall boundary - *Boundary issues are not planning matters*
- Children being possibly watched - *Conditions are suggested to prevent harmful Overlooking*
- Loss of privacy - *Conditions are suggested to prevent harmful overlooking*
- Illegally built *All planning applications are addressed on their own merits. The fact the works are partly retrospective does not mean they must be refused.*

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 Conservation Area. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. The application is therefore recommended for approval.

